

*E. G. B.*

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# CONSIDERATIONS

ON THE

## Two EAST - INDIA - BILLS,

Of 1783, and 1784.

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MAGNA EST VERITAS.

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SECOND EDITION.

[ Price THREE SHILLINGS. ]

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# CONSIDERATIONS

HUMBLY SUBMITTED

TO THE

*HOUSE of LORDS,*

ON THE

TWO EAST - INDIA - BILLS,

Brought into PARLIAMENT

BY

*Mr. Fox & Mr. Pitt :*

WITH

OBSERVATIONS ON

Mr. SHERIDAN's STATEMENT.

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*Rien n'est beau que le Vrai.*

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## P R E F A C E.

THE Design of this Publication,  
at this Period, is to shew, with  
temper, moderation, and liberality,  
guided by sacred Truth and the public  
Welfare, the prodigious difference be-  
tween the Two Bills brought into  
Parliament “ for better regulating  
“ the widely extended and greatly per-  
“ plexed Affairs of the British East  
“ India Company, for the prosperity  
“ of their Commerce and the Security  
“ of their territorial Possessions.” ---the  
former by Mr. FOX in 1783, which

was

was providentially rejected, as being big with the most arbitrary and destructive powers, equally dangerous to the Commerical and Political Interests of this great trading Nation, and subversive of our happy Constitution which is the peculiar Blessing of this free State and the admiration and envy of all other Nations; the latter by Mr. PIT'T in 1784, which was virtuously, wisely, and happily adopted and carried into execution by the Legislature, to prevent the alarming Calamity threatened by that of 1783; and to promote every Commerical and Political Purpose that can be expected by the East India Company in particular, and by the British Nation at large, by the permanent security and prosperity

prosperity of their Commerce, and by the Protection of our vast Possessions in Asia, which are two great National Events that will happily promote the territorial REVENUES, support a necessary Army of Defence, and defeat the ambitious Designs of rival Nations in that part of the World, and, by a general Tendency, essentially promote the Dignity, the Wealth, the Strength, and PUBLIC CREDIT of this great maritime and trading State.

These are the happy, the great, the glorious Effects of Mr. PITI's Bill of 1784. A Bill of infinite penetration, Virtue, and Sagacity; which, after the alarming Attempt of Mr. FOX's

Bill

Bill in 1783, to make the Company Bankrupts ; to subvert our glorious Constitution ; to convulse the Nation ; and endanger PUBLIC CREDIT ; I say, so soon after such a Design, as fatal as Contagion (from the Shock of which the Nation are hardly recovered from their Fears) the Bill of the following Year was a most wonderful Exertion of public Virtue and national Wisdom, that does infinite Honor to the patriotic Principles and astonishing Talents of Mr. PITT ; assisted by the great Powers, and I add with great truth and infinite pleasure, the great public Virtue of the High Chancellor Lord Thurlow, the Lord President Earl Camden, First Commissioner of Trade Lord

Hawkesbury

Hawkesbury, Henry Dundas, Esq; president of the Board of Controul, and other Characters, highly distinguished for the purity of their patriotic Principles, and the Splendor of their political Abilities.

The Powers of this Bill (" which " it was generally understood was " enacted with the Consent of the Company, or at least the Public heard of " no Opposition to it either on the part " of the Court of Directors or of the " Proprietors in general," \*) were as clear and full as business so extensive and remote required and as the title of the Bill indicated. Some Men how-

\* Lord Grantley,

ever, either jealous of Ministers, or desirous of opposing them, for party motives, questioned the competency of the Authority, and they, conscious of the best Intentions for the public service, submitted to an explanation by a **Declaratory Bill** which, by giving the true exposition, is intended to remove all doubts and all opposition. This, which is really meritorious, has occasioned such a violent resistance as could not have been expected to a Measure the most necessary and salutary, and to a Minister with the very best Intentions and the most splendid Abilities.

It may here be expected that I should take some notice of this harmless **Declaratory Bill**, and of the extraordinary **Opposition**.

Opposition given to it, after four Years  
experience of its happy Effects at home  
and in India, and the great Merit of

Mr. Pitt and his Friends, in regard to  
the Affairs of the East Indies. Merit  
the most distinguished, which stands  
confessed by the Candor and Justice of  
a noble and learned Lord, who, with a  
liberality worthy of his high Rank and  
Abilities, has declared, in his place,  
 “ He believed that, from the first In-  
 “ stitution, the Board of Controul had  
 “ acted from the very best Motives, and  
 “ done their Country and the East  
 “ India Company the most essential ser-  
 “ vices, from the Wisdom and the  
 “ Policy of their Measures.”

This

This testimony to Truth and to distinguished Merit is the more flattering, as it comes from a most respectable quarter, that has opposed the Declaratory Bill, and which might have expected Support from such a Conviction and the Confidence that ought to be placed in such Men and such Measures. And it is rather unfortunate that Men of high Rank and great Talents should have " a belief that Ministers have acted from the best Motives in the Affairs of Asia, and rendered the most essential services both to their Country and the Company," and yet mistrust them, and oppose them in their determination to act from the same Motives, and in their endeavours

to

to render still more important services.

I say it is unfortunate for mankind that such glaring inconsistency should be discovered in the brightest characters. But such is the imperfection of human nature, that the ablest men may be mistaken, and the finest talents may be misapplied.

The History of this Business is pretty well known, but I believe not so well understood, which will ever be the case when the Passions of Party oppose themselves to the Reason of the Public, misguiding the weakest and confounding the strongest Understandings.

It was some Time ago thought, by *all Parties*, absolutely necessary to vest

the complete Superintendance of all the political Concerns of our Indian Possessions in other Hands than those of the Directors, but certain Orators now affect to deny what they so warmly contended for. But whatever may be said to the contrary, for the Purposes of Party, it cannot be doubted, by the dispassionate Part of the Nation, that every Decision, respecting either the civil or military Affairs of the Territory in India, have been entrusted by Law to certain Commissioners named in the Bill of Direction and Controul upon *constitutional* Principles, conducive equally to the Security of our political, and to the Prosperity of our commercial Interests.

When

When I defend the Measure of 1784,  
on Principles of the Constitution, I wish  
to be understood that although the act of  
capriciously or wantonly invading char-  
tered Rights would be wrong, and a  
violation of the Constitution ; yet it is  
right, and no violation, when the neces-  
sity of the Case requires it, for the public  
Good, and for the Security of private  
Property.

Invasions and Violations are often held  
out for the Purposes of Party, to frighten  
the People and prejudice them against  
Ministers ; but the Public would do well  
to remember, that necessary Alterations  
do not invade the Property and Rights  
of

of the Community, nor violate their excellent Constitution ; but, on the contrary, tend to secure the one, and to preserve the other, by promoting the general Welfare.

Hence it is that I have not the Honor to think with a great Lawyer, and as good as he is great, who presides with so much Temper and Ability at His Majesty's Councils, that " the Bill of " 1784, as well as that of 1783, undoubtedly broke in upon the chartered " Rights of the Company." The Fact was so his Lordship said, and he defied any Man to say their Charter was not violated by both Bills.

I have

I have, nevertheless, the courage to resist so great an Authority. The words invasion of chartered Rights, and violation of the Constitution, apply only to the Bill of 1783. A Measure of Violence, and an Assumption of Power invades the one, and violates the other; but to break in upon the conduct of the Company, when there is a sufficient Degree of Necessity in the Case, in order to bring back the Company to the original Design and the true Intent of their Charter, for the best Purposes of the Subject and the State, is far, very far indeed, from trenching on the Company's Charter, and violating their exclusive Rights.

From

From these Ideas I resist, equally,  
 the Declaration of the noble Earl, "that  
 " no Reform of the Abuses and Mal-  
 " Administration of the Company's  
 " Affairs in India (admitted on all  
 " Hands to have existed and to require  
 " Reform) could have been effected  
 " without a *violation* of their Charter."

I am clearly of a contrary Opinion,  
 and do not admit that the Bill of 1784  
 has had that Effect. That only is to be  
 deemed a *violation*, which unnecessarily,  
 or without a sufficient degree of neces-  
 sity in the Case, invades, deprives, or  
 lessens; but not that which brings back  
 a measure to its original Design when it  
 is found, by exceeding or mistaking its  
 bounds, to endanger the purposes for  
 which

which it was taken. In that Case, which is evidently the Case of the Bill of 1784, the words invasion and violation are unjust, and should be consideration and restoration.

This being the fact, the only Question to be determined, is, whether the Power, above described, extends to the applying Part of the territorial Revenues of India towards the support of an adequate Military Force, for the defence, prosperity and security of that extensive Territory?

This is a Question that answers itself; for the first and greatest Object of territorial Revenue is to defend

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the Territory that produces that Source of Wealth and Strength, which, if neglected and endangered would be unproductive; so that a part, is with great Virtue and Wisdom, applied to the preservation and prosperity of the whole. The security of Possessions productive of Revenue, ever has been, and ever must be, the first Consideration in all Countries.

So much for the excellent *Principle* of the Declaratory Bill, which is founded on Reason, on Justice, and the soundest Policy. And as to the *Power* exercised for that salutary purpose, no Authority can be more natural, more necessary, or too extensive  
that

that tends to promote these first and last great Objects of Security and Prosperity.

The Alderman, therefore, who in the East India House strongly opposed this Measure of Government, enumerating the Evils which were likely to accrue from such a Measure, must have strange Ideas indeed of the preservation of our Possessions, and of the Prosperity of our Commerce in India.

The Magistrate says, " it was an "*Assumption* of Power in the Board of " Controul most dangerous and alarm- " ing." Now a Power clearly esta- blished by the Legislature is not an *Assumption*, for that only is an Assump-

tion that is exercised without legal Authority. And as to its being “dangerous and alarming in its Operation,” the contrary is evidently the Truth, from the happy Effects of that Board of Direction and Controul ; and the confession of the Directors themselves that it has, like the Hand of Providence, interposed for the Salvation, Security, and Prosperity of the Company.

How Gentlemen can stile their violent Opposition to such a necessary and wise Measure, that has, in the Language of a noble and learned Lord, “ from the very best Motives done their Country, and the East India Company the most essential Services, from the Wisdom and

“ and Policy of the Board of Controul.”

---How they can, I say, stile their own impolitic Conduct “ a Resistance to Oppression,” and how they can pretend “ to plead the Cause of Truth, and “ maintain that of Humanity and Justice” by such Resistance, is indeed wonderful, and a melancholy instance of the Force of Prejudices against the executive Power, and of the Effects of Party.

None but Men blinded by the Passions of Party could argue at this Rate. They ask “ if there were territorial Affairs in India, were the Directors so unworthy of confidence as not to be trusted?” Unworthy I will not say, but

but improper certainly as Merchants, they are for the military and political Purposes of such extensive Dominions, to guard against the Designs of native Princes and foreign Powers, which so essentially concern the State, and are therefore fit only for the Direction and Controul of the executive Power of the Nation.

The Directors in Opposition own that a respectable European Force is necessary, and that Government had been petitioned for Leave to raise Recruits. If the Directors themselves acknowledge the Necessity of the military Force, the Measures founded on it should be adopted with Effect, Surely then Government is commendable for sending the

the effectual Assistance required ; and justified in making Provision, by applying a part of the Revenue of those Possessions to support the Forces required to protect them !

Who can deny the Merit of the Supply, or the Justice of providing for it from the Source it is sent to defend ? In the spirited Language of a worthy Alderman in the Direction, it would be Treachery to their Country, circumstanced as the Possessions in India were, to with-hold the required and proffered military Assistance which could alone be derived from Government, and chearfully granted by able and attentive Ministers ; and an Instance of great Injustice

tice and Folly not to provide for it by the Revenue or Resources of the Country ; the first of which should be applied to support the happy Instruments of territorial Protection and Security.

These Ideas of Protection and of necessary Provision for that Protection, are confirmed by the Chairman and Deputy-Chairman, who have both declared, that "*the Force in question was essential to the Safety of our Possessions in India ;*" and that an adequate Provision for that Force out of the Revenue of the Possessions, is as just and reasonable as the Measure is absolutely necessary.

To deny the *Power* of doing what is authorized by the Legislature, and required

quired by the Directors, and to oppose the Support of what is necessary to preserve our Possessions, and to promote our Commerce in India, discovers an Inconsistency and Absurdity that contradicts common Sense, and the constant Practice of all People; and can therefore only arise from the Passions of Party who oppose every thing that is necessary, that is right, that is reasonable, to resist the necessary Measures, and to obstruct the salutary Designs of Government.

If they expect that the whole Patronage shall still remain with the Directors, it can only be in commercial Affairs. And although they talk of "not tamely resigning the rest," the

Directors

Directors must be sensible that the whole military, civil, and political Patronage, is totally absorbed by the Bill of Direction and Controul of 1784, which effectually separates the commercial from the territorial Affairs of India, and repeals that of 1781, so far as concerns those Possessions ; that is, the military and political Department as effectually as if that Part of it had been abrogated ; leaving the Company their Commerce uninterrupted, or the intire Possession of their exclusive Privileges of Trade, according to the Nature and Design of their Charter, more than which was not originally requested by them, nor intended by the Legislature.

This

This being the Truth, Government is certainly the best, and indeed the only proper Judge of the Necessity of the Military Measure which has been the Cause of so much Opposition : Not from any Objection that could be had either to the Declaratory Bill, or to the Conduct of Ministers, which, in every Measure of Administration, is highly praise-worthy, but from a Spirit of Opposition, and a wish that the Promoters of the Bill of 1783 might overthrow the Authors of that of 1784.

Their own Requisition, that is, the Request of the Directors shews the *Necessity*; the Act of 1784 proves the *Legality*; and the Title of that Act

" to superintend, direct, and controul," demonstrates the *competence of Authority*; for these words denote Supremacy, and the being subject only to the Authority of the Legislature that created it, for the Protection of the Company in particular, and for the wise purposes of the Nation in General.

Direction and Controul certainly imply great Powers, but they must be placed somewhere in all Governments, even the most Republican; but as it is a delegated Authority, and not the Sovereign irrecoverable Power of an absolute and arbitrary State, so its responsibility to the Supreme Authority of the Constitution is a check that will

will prevent Abuse, or abolish the Exercise of it, whenever it has a different Tendency to what is designed by the Wisdom of the Legislature and the Virtue of Administration.

Until then, that is, whilst it is not abused, and produces, as it has hitherto done, the happiest commercial and political Effects, no Man in his right Senses will oppose an Authority legally, necessarily and happily established, with the clearest and fullest Powers, to prevent so much Mischief and to do so much Good: Because such an injudicious Resistance to the Wisdom of the Legislature and to the Virtue of the Executive Power

of

of the Nation, would be an Act of the greatest Folly, by madly opposing the common Interest and Security, destroying the Resources of our Country and weakening the Hands of Government, to increase, like the Act of Traitors, the Wealth and Strength of our Rivals and Enemies.

The Opinion of an eminent Council retained by the Company that a Bill for Removing any Doubts concerning the Competency of the Board of Controul was "subversive ~~of~~ the Rights of the Company and destructive to their Interests," is the visionary and delusive Opinion of a *Mercenary*, discovering the Power of Oratory,

Oratory more than the Force of Truth.

What is legally established cannot be an Invasion of Rights; and what has been productive of the happiest Effects, by the Testimony of the Directors themselves, and the Evidence of our Senses, and is exercised, as it was designed, with no other view, must promote their Interests and cannot be destructive to them.

It should also be remembered that when the Company was dissolved in 1697, and a Charter granted to a new Set of Adventurers, the Members of the old Company were as clamorous, near 100 Years ago, as they

they were lately against the Proceedings of Government, and yet Ministers, possessed of public Virtue and a becoming Spirit like the present, succeeded in their wise Determination to make them yield to the Interest and Dignity of the Nation, as they certainly ought to do on the present and every necessary Occasion.

This Publication (which is an Appeal to the Understanding, and not to the Passions of Party) after so much that has been said upon the Subject, by Men of the greatest Talents in both Houses of Parliament, seems to be absolutely necessary, that the Public may, with the Temper and Candor of a liberal Nation,

Nation, judge, by a concise and fair *Comparison* of the two India Bills, of the Difference between the Talents and Principles of Mr. Pitt and Mr. Fox, and consequently of their public Measures and Designs for the Service of the Nation; which perhaps they are not so able to form a Judgment of from a Torrent of parliamentary Language, in which the Passions and Prejudices of Party give a false Exposition, and tend to confound and misguide the Public, whose Imagination is often bewildered by the Loquacity of Party Speakers, and whose Judgment is, of course (with generally the best Intentions) guided more by the Prepossessions and Prejudices of Party, than by cool Reflection and clear Conviction.

A fair

A fair *Comparison*, in a case of so much national Importance that involves every thing commercial and political both at Home and Abroad, so extensive are the Effects of our Asiatic Measures---a fair Comparison, I say, between the two East India Bills of 1783 and 1784, will place in a true light, divested of the false colouring of Party, the Principles and Talents of Mr. Fox the Ex-Minister, and of Mr. Pitt the present Minister; and tend, perhaps, more than any thing else to convince a sensible and spirited Nation, which of the two Statesmen and powerful Speakers is the best qualified to promote the Commerce, the Wealth, Strength, and Dignity of His Majesty's Dominions.

Dominions. Whether the rapid Orator Mr. Fox, who, by the boldest and most daring Attempt, would have convulsed the Nation, endangered PUBLIC CREDIT worse than the South Sea Bubble, and shaken, to its Foundation, our Commerce and political Existence, is, with his Party, the fittest for Administration ; or Mr. Pitt, joining the sweetnes and profusion of Tully with the Nerves, attic Salt, and rapid Eloquence of Demosthenes, who, like the Hand of Providence, happily interposed to prevent that dreadful Calamity, and to secure India with all the Blessings of Trade, territorial Revenue, and national Wealth and Strength, is, with his Colleagues (who manifestly posseſſ the same

Principles, public Zeal and brilliant Talents) the most fit to be entrusted with the executive Power of the Nation, under the Eye and Controul of a Parliament distinguished for its Zeal, for the Dignity of the component Parts of the Legislature, and for the true Interest of the People they govern.

After such a fair Comparison, the Nation, whose dearest Interests are so much at stake, cannot mistake, if they divest themselves of the Prepossessions and Prejudices of Party, and judge with the same Temper, Candour, and Liberality as the Author writes. In the mean time sacred Truth and Justice divine, which are necessary to the Dignity and

and Interests of the Nation, and which evidently inspire and animate his Majesty's Councils ; these glorious Principles require me to say, that the Measures taken by Mr. Pitt, in regard to the East Indies, for the Security of our Commerce, and the Regulation of our territorial Possessions, is an Event great in itself, and glorious in its Consequences to our Trade and political Interest in every Part of the Globe, producing the happiest Effects at home and abroad in regard to other Nations, that the Benefit of its Operation extends beyond the Power of Expression, for which Mr. Pitt, I may venture to say, without fear of Contradiction or the imputation of Flattery, deserves a Statue to perpetuate

the

the glorious Event, and to immortalize his Name: For a Measure which has immensity of happy Effects for its Space, should give the patriotic Minister eternity of Reputation.

The Event is so great that delivers us, as from a *terrible Precipice*, from the horrors of Mr. Fox's bill, and establishes the Blessings of Mr. Pitt's, that it may be called a national Triumph over the Ignorance, the Folly, and Fatality of Mr. Fox's Measures, from which every commercial and political Mischief at home and abroad was to be dreaded. A victory the most complete and the most flattering to the present Administration, in which the Right Honorable

Mr.

Mr. DUNDAS, Chairman of the Board  
of Direction and Controul, has infinite  
Merit for his public spirited Exertion of  
splendid Abilities ; and in which the  
masterly Pen of the faithful Historian,  
like the Pencil of the immortal Painter,  
will group the principal Characters and  
place, at no great Distance, the dis-  
tinguished Merit of Mr. Secretary ROSE,  
whose Accomplishments and public Zeal  
are a Credit to the Judgment of the  
Lord Chancellor, and to the Friendship  
of Mr. PIT.

### Considerations



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## CONSIDERATIONS

HUMBLY SUBMITTED TO THE

*HOUSE of LORDS.*

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My Lords !

THE first Bill to regulate the very extended and much perplexed Affairs of India was brought into Parliament by Mr. Fox with the most extraordinary Powers, and would certainly have produced the most extraordinary Effects, fatal to the Rights and Constitution of a free People, and to the commercial and political Interests

terests of the Kingdom, had not the Goodness of Providence, and the Virtue of Parliament, prevented so great a Calamity.

The terrible Effects to the Company, and their dreadful Consequences to the Nation at large, may be judged of by the extraordinary, unconstitutional, and ruinous Power of the Bill, which went, not sneekingly with the Hypocrify of a Jesuit, but boldly with the Courage of the most despotic Government, and the daring Spirit of an Oliver Cromwell, to seize at once the *whole* of the territorial and commercial Power and Property of the *East India Company*.

My

My Lords, that Power, arising from their territorial Acquisitions, and that Property, flowing from their extensive Commerce, both secured to them by Parliament, were by the Caprice of Mr: Fox, and the Magic of his superintending and controuling Commission, to be totally *suspended* and placed under the Management of a few warm Partisans of the Right Honorable Gentleman, who are unacquainted with Commerce and with India Affairs.

“ The Intention of this horrid Bill  
 “ was to vest the Power of the East  
 “ India Company in *Seven* Directors,  
 “ whose Names were moved by Mr.  
 “ Fox, then Secretary of State, and

“ adopted by that House of Commons.  
“ They were to hold their Offices Four  
“ Years, removable, like the Twelve  
“ Judges, by an address of either  
“ House of Parliament, and not by  
“ any other Power: And for managing  
“ the Commercial Affairs of the Com-  
“ pany, *Nine* Gentlemen, moved for  
“ and adopted in the same manner,  
“ were to assist them, subject to their  
“ Controul and removable only by  
“ them,” thereby creating a *dependent*  
Authority to increase the Influence of  
an ambitious P A R T Y, that would  
have placed Mr. Fox on his high Seat  
of DESPOTISM, a Terror both to the  
Prerogative of the Crown, and to the  
Liberties of the People.

The

" The Effect of this Bill," which  
 saps the Foundation of our excellent  
 Constitution, " was to vest in these  
 " Seven Directors the WHOLE IN-  
 " FLUENCE of the Offices of every  
 " kind in India and at Home, belonging  
 " to the Company ; and the WHOLE  
 " INFLUENCE arising from the  
 " Transactions of their Trade in the  
 " Purchase of Goods for Exportation,  
 " furnishing Ships, Stores, and Re-  
 " cruits ; the INFLUENCE arising  
 " from the Method of selling their  
 " Goods, by bringing forward or keep-  
 " ing back Goods at the Sales, or  
 " giving Indulgencies as to Payments,  
 " so as to accommodate those who are  
 " meant to be favored ; the INFLU-  
 ENCE

“ ENCE arising from the Favor they  
“ may shew to those who are now in  
“ England, and have left Debts or  
“ Effects in India, as to the Mode of  
“ bringing Home and recovering their  
“ Fortunes ; the INFLUENCE of  
“ Contracts of all Kinds in India ; of  
“ Promotions, from step to step ; of  
“ favor in the Inland Trade ; of IN-  
“ TIMIDATION with respect to every  
“ Person now there, who may come  
“ Home with a Fortune ; both with  
“ regard to recovering his Debts, and  
“ the means of Remittance, and with  
“ regard to Enquiries into his Con-  
“ duct ; the INFLUENCE upon Fo-  
“ reign Companies, or Foreign States,  
“ who

" who have Establishments in that  
 " Country, —— who, in return, may  
 " have the Means of acting upon In-  
 " dividuals in this Country ; the IN-  
 " FLUENCE upon the native Princes  
 " of India, some of whom have al-  
 " ready found the way of procuring  
 " the Elections of Members of Parlia-  
 " ment ; and many other Means of  
 " INFLUENCE, which it is impos-  
 " sible to foresee or to trace."

" The Amount of the Whole can-  
 " not be computed. It has been called  
 " equal to TWO or THREE MIL-  
 " LIONS a Year ; but there can be  
 " no Doubt that its Magnitude is very  
 " great and extensive indeed, and that  
 " it

“ it may produce very remarkable Con-  
“ sequences.”

“ This Power is not indeed, taken  
“ from the Crown, though it consi-  
“ derably weakens its Influence and  
“ lessens its Dignity, but it is placed  
“ in new Hands, who are independent  
“ during Four Years, equally of the  
“ Crown and of the People,” and  
therefore alarming to both ; since such  
a new Authority without Controul to  
check their Conduct, may by their  
Influence and Despotism absorb the  
Power of both ; and, like the great  
Authority once established by the Ro-  
mans, continue themselves in Power  
against the Sense, the Interest and

Security.

Security of the Nation; thereby creating not only a Fourth Estate, but a Supremacy to controul the other Three: For by every Circumstance in the Conduct of this Bill, it appears, as an honorable Gentleman has observed, that Mr. Fox's Plan decidedly was to vest the whole Power and Patronage of India, both Commercial and Political, in the Members of his Administration, not only during Four Years, but as long as any Part of India shall belong to this Kingdom. An Idea truly alarming, as it shews the unconstitutional Power and the alarming Effects of an ambitious Party, that invades our Rights and Property, and subverts our glorious

glorious Constitution more delusively and effectively than the Conduct of Oliver Cromwell.

My Lords, can any thing be conceived more arbitrary and unjust than the Principle of such a Measure ; or more ruinous in its Tendency, or Operation, upon the Constitution of this Government, and upon the commercial and Political Interests of this Nation ?

Can it be said, my Lords, with even the colour of Truth or the shadow of Justice, that “ there was a sufficient “ degree of Necessity in the Case, to “ justify so strong an interference of “ Parliament, either on Account of  
“ the

“ the State of the Company’s Affairs, or on  
“ Account of the Misconduct of their  
“ Servants in India ; or because the great  
“ Stake the Nation has in these im-  
“ portant Concerns, demands a strong  
“ and effectual Remedy?”

The Disorders at Home in the Direction and Abroad, (the one the natural Consequence of the other) in the Management of the Company's Affairs were made a Plea by Mr. Fox, as Secretary of State, for seizing upon ALL THEIR PROPERTY, Power, and Patronage, when all were either secured to them by Charter, or sanctioned by Parliament. His Bill aimed

H at

at seizing *all the Company's Warehouses, Arsenal, Ships, Forts, Monies, Bonds,* and in short every thing they possessed, as well in India as in Europe. The Value of such a seizure was as great as the Patronage it gave, in the first Instance, at Home was alarming by the Effects it would produce upon the Constitution of this Country. Their Buildings were estimated at £700,000. The Sums annually paid to Tradesmen in London, for Goods to be Exported £700,000. This, with Freightage to India, and other expences, made up the whole more than a Million and an Half of PRIVATE PROPERTY, which this despotic Minister would have seized by the

the Bill of 1783. All appointments at Home and in India, would have been subject to his pleasure. The Court of Directors, like so many Clerks, would have attended him with the Surrender of the Keys of their House in Leaden-hall-Street, and of all their Warehouses, containing their vast Property, with the most abject humility. And what is worthy of the serious Consideration of the Public, this seizure of PRIVATE PROPERTY, this invasion of the Chartered Rights of the People, this violation of the Faith of the Legislature, this subversion of the Constitution was intended to establish an ambitious PARTY, and to seat Mr.

Fox

Fox on the high Throne of Despotism, equally a Terror to a limited Sovereign and to the Subjects of a free State. Creating an *Imperium in Imperio*, a fourth Estate, that might have overthrown the Constitution; since the little King of Great-Britain could not long contend in Parliament for superiority with the great King of Bengal, surrounded by innumerable Dependents on his extensive and powerful Patronage.

This political Hodge Podge, this *Monstrum horrendum* of Mr. Fox, by suddenly superceding the Court of Directors, would have made the United Merchants trading to the *East Indies*

*Indies Bankrupts* in an Instant by the  
Act of *suspension* and *seizure*; for the  
Suspension of Merchants is, in Fact,  
an Act of Bankruptcy: Especially  
when it is attended with the seizure  
of all their PROPERTY and  
Concerns.

My Lords, from this hostile, un-  
merited and *cruel* Event the Company  
would, I believe, never have been able  
to recover; nor would the Nation easily  
have recovered from the Shock with  
which such an Act of Bankruptcy  
would have convulsed the Nation, and  
endangered PUBLIC CREDIT.

Such a strong Measure of Injustice  
and Despotism, without Example in  
this

this Country, and perhaps unparalleled in absolute Governments, is manifestly subversive of the Rights and Property of the *East India Company*, and of the glorious Constitution of a free People. Such was, nevertheless, the horrid *principle* and the fatal Tendency of Mr. Fox's India Bill: A Measure of Impolicy and Rapacity which, I am confident, your Lordships will admit is not to be defended on any Principle of either Justice or Necessity. Noble Lords, distinguished for Wisdom and Virtue, will not, I am sure, think that such a daring Violation of every Thing sacred to a free People, is an Act of national *justice*. Nor will the highest Tribunal of the Nation

Nation think there was any *Necessity* for so strong a Measure that destroys every Idea of Right and parliamentary Security, and defeats the very End it is intended by the Legislature to promote; by producing the greatest Confusion and Mischief without the Possibility of doing the least Good, either to the Company or the Nation.

There was something so glaringly unjust, and, at the same Time, so cruel in such an exercise of Power, that the Nation were shocked at it, and both the Public and the Company, with one consent, broke out in condemnation and censure. Hence the Reprobation of the Bill of 1783, the public and merited

rited Disgrace of the Author, the dissolution of a Parliament attached to such a Man and to such a Measure, and the fortunate adoption of that of 1784 ! And hence our hairs-breadth escape and happy Emancipation, and the subsequent Blessings of Mr. Pitt's Administration !

My Lords, the only plausible Feature in Mr. Fox's strange Bill, a description by much too mild, is its lodging the Power of Superintendency and Controul with the House of Commons, instead of the Crown ; under an Idea that such extraordinary Powers are safer with the Democratic

mocratic Authority than with the Executive Power : But this plausible Defence of a violent Measure is visionary and delusive, and therefore fit only for the weakest Understandings that are caught by the Shadow of Patriotism. Such Men, who are easily deceived by false Appearances, should be informed that no Part of the Constitution, or Legislature, but the Aristocracy can act *judicially*; nor has any but the Crown an *executive* Authority. A controuling Power lodged with the Democracy, or a Commission subject to the House of Commons, is a monstrous Absurdity, big with Confusion and Mischief.

When we consider that Ministers are Servants of the Crown, which the Constitution has, with great Wisdom, invested with the executive Authority, and not Servants of the People, we can hardly conceive a greater Solecism than a *ministerial* Commission of Control independent of the Crown, and subject to the popular Part of the Legislature. And yet, my Lords, this was evidently the strange System of Mr. Fox. Being Author of the Bill, and his Directors being irremovable by the Crown for Four Years (while the great Chatham, like his illustrious Son, was fixed in the Seat of Power only during the Royal pleasure) it would have thrown

thrown such a tide of Influence, and such a weight of Power into the Hands of Mr. Fox's Administration, independent of the Crown, that they too would have been irremoveable by his Majesty, whose Prerogative being absorbed by their Patronage and Influence, instead of permitting the Crown to name the executive Power, as the Constitution requires, Mr. Fox would have become Independent of the Sovereign for a new Period, which might have been renewed again and again without any limitation of Time, rendering, by his Ambition and Despotism, the Legislature *Felo de se*, and making the Crown sign the *Death Warrant* of it's Prerogative and of the People's Liberties.

It is astonishing and hardly to be believed by Posterity, that Mr. Fox, intoxicated with Ambition and Power, should attempt to create a *sovereign* Ministerial Authority, independent of the Crown that raised him to Power. It is indeed strange that a ministerial or executive Power, which is the constitutional Prerogative of the Crown (the wisest Barrier and greatest Security of the Constitution) should, like the Treachery of an Usurper, attempt to absorb the Prerogative of it's Creator, by Independency and superior Influence! And yet such was certainly the bold Aim of Mr. Fox, by deceiving the People to undermine the

Crown

Crown and to create in his Party a Power of Controul, amounting to so great an ascendency over the Regal and Parliamentary Authorities of the State, as to create a Supremacy unknown to the Government of this Country.

What, my Lords, could be the Intention of Mr. Fox, in bringing in a Bill so degrading to the Crown, so insulting to the Parliament, so humiliating and oppressive to the East India Company, and so alarming to the People, by plunging a Dagger in the Bowels of their Constitution ? Was it a Measure of Ambition or Folly, or both, to bring in a Bill that would have swept away our dearest Rights, our Property, and our

our Constitution? It is manifest, my Lords, that his Intention, in bringing in a Bill that would have produced such alarming Effects upon Trade, upon Public Credit, upon the Constitution of this Government, and the very Existence of the Nation, was a Design of unparallelled Ambition and Folly, to create an Authority equally independent of the Crown, of the People, and also of the Parliament, by vast Patronage and Ascendancy, and to perpetuate himself on the high Throne of Despotism. A power truly alarming in a free State, in which it would be Madness to give such Authority to a *Party*, while, from the Nature of our Constitution, and the Value of the privileges

we enjoy under it, the people are naturally jealous of the Influence of the Crown.

My Lords, by a Measure so strange, the Order of Things is confounded, and the Wisdom of the Constitution defeated. It is difficult to determine which is greatest, the Absurdity of Mr. Fox's Bill, to gain Popularity, or the Confusion and Mischief it would produce, both from the Violence offered to the East-India Company and the Constitution, and it's Injustice to the Crown, to which alone the *executive* Power belongs.

That the executive Authority belongs alone to the Sovereign will not be denied;

nied ; and that it cannot be in any other Hands without endangering our excellent Constitution, will also be admitted. Indeed the intire Possession of that Authority, by the Crown, is so necessary to the Government of this country, that *no Part* of it can be lodged any where else, without sapping the Foundation, and endangering the noble Fabric of our Constitution.

An excellent foreign Writer, upon our admired Form of Government, finely observes, that " if <sup>by</sup> the unforeseen Operation of some new Regulation made to restrain the Royal Prerogative, or thro' some sudden Revolution, or *the Ascendency of Party*, any particular Body or Classes

of

of Individuals were ever to acquire a personal independent Share in the Exercise of the governing Authority, we should behold the Virtue and Patriotism of the Legislators and great Men, immediately cease with it's Cause ; and Aristocracy, as if it were watchful of the Opportunity, burst out at once, and spread itself over the Kingdom," a Terror to the regal and democratic Powers of the State, to overthrow the constitutional Prerogative of the Crown, and the Liberties of the People, which must fall a Sacrifice when the just Prerogative of the Sovereign is invaded, by placing the Executive Power in any other Hands than where the Constitution has wisely placed it.

This sets in a strong and clear light the very great and fatal Danger of transferring *any Part* of the power which ought to be entirely vested in the crown, to any PARTY or Order of Men in the State. And if the transferring any Part be attended with such Danger and Fatality, how great would be the Calamity of transferring so great a Part as that which was aimed at by Mr. Fox's India Bill of 1783, which went to perpetuate his Administration, to create a fourth Order in the State, superior to the other three, that is, possessing such Ascendancy as would direct and controul the other three, and absorb the Authorities of the Constitution, to place him on

the

the Throne of Despotism, PERPETUAL DICTATOR, with more than Sovereign Authority, having nothing to check, as a limited Monarch has, the Career of his unbounded Ambition.

God forbid the East India Bill, subsequently brought into Parliament by Mr. Pitt, should be half so bad as the MONSTER I have just described ! God forbid it should have any *resemblance* to it either in Principle or Tendency !

Indeed, if we reflect seriously and with Candor on the *Principle* of that of 1784, (which *at first* we incline to condemn and perhaps to abhor, as a violent Exertion of Government, subversive of the Rights

Rights of Individuals, and the Constitution of this Country) it will, I believe, clearly appear to be a Principle of the greatest Justice and the soundest Policy; founded on Penetration, Foresight, Prevention, Liberality, and every thing that Wisdom and Virtue require, in regard both to the Company and the Nation at large.

For Instance: The Company, by military and political Pursuits, incompatible with the Nature and design of their Charter and the Character of Merchants, have gone lengths which require great Circumspection, and powerful Assistance to prevent the Loss of their great commercial Objects, by impolitic and hazardous

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dous Pursuits after extensive territorial Acquisitions, which are so incompatible with Trade, and so repugnant to the Policy of every Government : For *military* Merchants and *Sovereign* Subjects are Ideas so truly absurd, and an Existence so very impolitic, as to reflect highly on the Government that permits such a dangerous Solecism in Politics.

My Lords, the present able, patriotic and active Administration finding this to be the difficult and hazardous Situation of Things with the British East India Company, they, with a Spirit and public Virtue which would have done Honor to the great Lord Chatham, wisely determined, both for political and commer-

cial Purposes, to fly to the Assistance of the greatest Company of Merchants in the World, in whose Fate the Nation is greatly interested; and Mr. PITTE, like the Interposition of Providence, with a patriotic Spirit equal to that of his illustrious Father, resolved to protect our valuable Trade and important Possessions in the East Indies. And as the young but able and active Minister virtuously conceived a *protecting* Measure, so he wisely and expeditiously carried into execution so noble a Design, with that Confidence and Courage which his Friend Horace says, raised Hercules to the Gods, and Augustus to the Head of the Roman Republic; by a Bill to super-intend

intend and controul remote and extensive Dominions, which either Impolicy or Incapacity had, by vast extent of Conquest, endangered.

Here, my Lords, it is evident to a Demonstration, that the Intention is truly patriotic ; the Design noble and worthy of a great Nation ; and the Measure to be pursued, for the Execution, as circumspect as the Constitution requires, and as the Nature of a Bill of such Extent and Utility will admit.

My Lords, this *protecting* Bill of Mr. PITT, is certainly more natural and constitutional, and more liberal than the *suspending* Bill of Mr. FOX, which

by

by grasping at all, contrary to the sacred and fundamental Principles of the Constitution, was to have established a Commission of Violence to seize suddenly, like the Hand of Death, the WHOLE of the Company's commercial and political Authority and Property, and render the United Merchants trading to the East Indies BANKRUPTS: For it is manifest, my Lords, even to an ordinary Capacity, that such a terrible Event must have been the unhappy Consequence of so arbitrary and rash a Measure as the Bill brought in by Mr. FOX to suspend *all* the Powers of the Directors, *commercial* as well as political, which would have been an Act of ministerial

nisterial Despotism, of legislative Folly,  
and of national Lunacy.

My Lords, it was really a mad Design, in which it is difficult to determine whether the State Jugglers are to be blamed most for the grossest Ignorance of the Interest of a great trading Nation, or for the *tyranny* of the Principle, which would have been as destructive to the Body politic as the Pestilence is to the Body natural: For they would have seized the *whole* patronage of the Army, the *whole* political concerns of the Company, and the *whole* of their commercial and territorial Property, without a *single Check* to restrain their Power and Rapacity.

There is, my Lords, great *Virtue* in the Principle of Mr. PITTS's India Bill that, like the Blessings of Heaven, interposes not rashly, wantonly and rapaciously like that of Mr. FOX, but mildly and generously from the great Motives of absolute Necessity and sound Policy, for the earliest and most effectual Assistance, Security and Prosperity of the Company: And there is great *Wisdom*, my Lords, in a superintending and controuling Power of Government (the only constitutional *executive Authority*) that, by the mildest and most natural means, preserves the SOURCE of that security and prosperity, to promote essentially the great commercial

and

and political Purposes of the greatest  
Maritime Nation in the World.

A superintending and controuling  
Power, in such a Case of absolute ne-  
cessity and prevention, is far, very far  
indeed, from being what some Men are  
pleased, for party Purposes, to call it, a  
*Monstrum horrendum.* That Idea applies  
only to the Bill of Mr. Fox, which was  
a sweeping Measure, actually designed  
to *suspend* all the powers of the Court of  
Directors, and, by laying rapacious hands  
on all the vast Property of Merchants,  
to abolish a Company of the greatest  
consequence to the Nation. An Event  
which would have had the terrible  
Effect of suppressing and dissolving the  
greatest

greatest and most important Society of Merchants in the World ; and the horrid Consequence of not only making them Bankrupts, and convulsing the public Credit of the Nation, but that of seizing and securing, as I have shewn, the commercial as well as the territorial Property of the Company.

My Lords, violently to destroy their Rights, and wantonly to seize their Property too, is indeed a strong Measure for a free State : A Measure more unjust, violent, and arbitrary, than is perhaps to be found in the Conduct of the most absolute Government, and of the greatest Tyrant !

My

My Lords, the intelligent, candid and liberal Mind will, upon due consideration, find that the *Principle* of Mr. PITTE's India Bill, which his enemies, obviously for party reasons, affect to condemn, is founded on the substantial Justice and national Virtue which so eminently distinguished that great Statesman Lord Chatham. It is, my Lords, the equitable Principle and constant Practice of a commercial People, to submit cheerfully to the Superintendency and controul of Friends that assist them in cases of great Difficulty and Importance.

Those Men who are alarmed, or affect to be alarmed, for it is a mere Pretence, and

and Trick of Party, at a Measure of Government that interferes with the Affairs of Merchants, should consider that their Affairs and their Directors absolutely required the Protection of the powerful and fostering hand of the Executive Power ; whose regard for the Constitution, and the Rights and Property of the Company is manifest by the present Ministers interfering only in the military and political Department which greatly concerns the Nation ; leaving uninterrupted all the commerical Concerns of the United Merchants trading to the East Indies ; not interfering with their Commerce, any more than as was required by the Directors, and as may be absolutely necessary

necessary for the Preservation, Prosperity, and Security of a great Company, in whose Fate the national Wealth, Strength and Credit are so much concerned as to merit and receive the earliest Protection, and the most effectual Assistance of Government.

My Lords, the Idea of Government's controuling the military and political Affairs of the East India Company, and taking *all their territorial Revenues* under their Management, (as the natural and necessary Consequence of Superintendency) seems, at first, to a people tenacious of their Rights, and commendably jealous of the Crown, to strike our Minds with Ideas of Injustice and

Terror ;

Terror; from an Apprehension of it's being arbitrary in its nature and alarming in it's Consequences: But, my Lords, such Fears are absolutely groundless: Nothing is so *natural* as for Government to secure Possessions of such national Consequence: Nothing so *just* as this Principle of sound Policy in the Executive Authority of the Nation, which is vested, by the Constitution in the Crown, for the great and necessary Purposes of the Kingdom. Nor, my Lords, can any thing be so mild and happy in it's Operation as a Measure of Necessity, which Virtue inspires and Wisdom animates, to prevent all the Mischief dreaded, and to promote all the

the Good expected from such remote  
and extensive territorial Possessions;

A glorious Instance of this is to be found in the very able and spirited Conduct of the Board of Superintendency, Direction and Controul, by whose judicious Management a Benefit of One Million and an Half per Annum, has arisen, besides other great Advantages to the Nation, by preserving the territorial Possessions; and to the Company, by promoting the territorial Revenues, and securing, from rapacious Hands, the **SURPLUS**, which is the capital Stock of the Company, and which, happily for the Proprietors as well as the Nation, is

M rescued

rescued from the Danger of Rapine and Dissolution, and placed under the Protection of such honest Hands as Mr. Pitt's.

My Lords, one Observation had nearly escaped me, as I believe it has every Writer and Speaker upon the Subject, although it pleads forcibly in Favour of the Interposition of Government: It is this; and I beg your Lordship's particular Attention, as I think it proves more than Volumes written upon the Subject. If it would be improper and alarming for Ministers to interfere with the Concerns of individual Merchants in a free State, the Case is very different in

regard

regard to the United Merchants trading by Charter to the East Indies from the Authority and under the *Controul* of the Legislature. As their exclusive Privileges of Trade are granted for their Advantage only as far as may be consistent with the public good, so the Executive Power of the Nation has a natural, that is, a constitutional and undoubted Right to watch the Operation of their Charter and to interpose, when Necessity requires, as the Guardian of the Nation's welfare, and as the Constitutional Protector of the Company: Exclusive of a *Participation* in their Advantages, which constitutes a Right of Enquiry.

This

This constitutional Interposition of Government (for I contend that there is necessarily lodged with the freest Governments, a Power of Superintendency and Controul over their Subjects in all Cases, Commercial as well as Political, that affect the State to which they belong) when the Necessity of the Case requires it, and when it is, as in the present Instance, exercised, not rashly to gratify the Ambition of Party, as in Mr. Fox's Case, but judiciously for the public good, is equally an Act of Justice to the Company, and of sound Policy in regard to the Nation. It is then so far from being an Invasion  
of

of Rights and Property, and a Violation of the Constitution, that it tends, with the Virtue of Patriotism and the Wisdom of Legislature, happily *on* to promote the former and to preserve the latter, which are the great, the glorious Objects of Government in a free State.

My Lords, Chartered Rights are not natural, independent and unalienable Rights, but such as are subject to the creative Power of the Legislature as indeed all Acts are, and consequently to the Executive Authority which, though the Prerogative of the Crown is, nevertheless, the Representative of the whole Legislation. *are*

As

As all Laws are made with a view to the general Advantage and Security of the Nation, so all Charters are expressed or implied to be granted *conditionally*, and therefore subject to Parliamentary alteration when they are found to have a different tendency. Acts of legislation are both *prospective* and *retrospective*: Looking forwards to the public Interest and Security; and backwards to judge by the operation, how far they have that happy tendency; and when, as in the present Case of the Company, they exceed the original Design or operate against the public good, they may be brought back to the condition which substantial Justice and sound Policy require.

My

My Lords, we have been deluged with a Torrent of Language from Opposition which (like the inundation of great Rivers that wash away the Farmer's Toil and sterilize the Land) prove little more than the Passions of some Men, and the Prejudices of others. The Compact between the Legislature and the United Merchants trading to the East Indies is not, as Mr. Flood contends, of the nature of a Lease in which the Legislature is Landlord and the Company Tenant. A Lease is a *positive* and unalterable Agreement except by mutual Consent. — A Charter is a *conditional* Compact to be altered as its operation, or the cir-

cumstances

cumstances of the Nation, that is, the  
*Salus Populi* require. Every thing  
 granted by the Legislature is subject  
 to the Power that created it, and  
 must yield to the great Object of  
 public Utility for which it is cre-  
 ated. Hence the greatest Patriots,  
 " have never held that Charters pre-  
 " judicial to the Interest of the Na-  
 " tion that granted them, were to  
 " be considered as sacred, and suffered  
 " to remain unalterable." The ablest  
 and best men have constantly asserted,  
 like Mr. Pitt, that " they were al-  
 terable as their Operation and the  
 public Welfare required, but not  
 " to be capriciously or wantonly vio-  
     " lated

" lated and unnecessarily destroyed up-  
 " on light occasions, or without a  
 " degree of Necessity equal to the  
 " Extent of the violation," or rather of  
 the alteration, for whatever public Neces-  
 sity or the *Salus Populi* alters for the  
 better, is not a Violation, but a Me-  
 lioration.

To return to the equitable and happy  
*Principle of Mr. Pitt's Conduct* in regard  
 to the East Indies, it is evident, as I  
 have clearly shewn, that the Minister,  
 with a Moderation and regard to the  
 Constitution peculiar to himself, and  
 to that great Statesman his Father,  
 ( who like the Son, was the pride  
 of this Country and the admiration of

other Nations) has acted upon the mild Principle and constant Practice of a trading People. In commercial Cafes, My Lords, a Security for Assistance require a *Superintendency* and *Controul*, words which imply the Management and application of *all Revenues*. Were they not totally subject to that controlling Power, the Security and Authority would be visionary, and bereft of the Ability to promote the great purposes for which the Superintendency is established.

In the present political Cafe, Mr. Pitt has religiously adhered to this Principle of Reason, of Justice, and found Policy.

My

My Lords, what has manifestly been  
 the avowed Objects of the Minister, in  
 framing the Act of 1784? Take his  
 own Words, which should be written  
 in Characters of Gold. "The principal  
 " one was to take from the Company  
 " the entire Management of the terri-  
 " torial Possessions, and the political  
 " Government of the Country. The  
 " other was to leave to the Company  
 " the Direction of all the commercial  
 " Concerns and Arrangements."

My Lords, can any Thing be wiser,  
 viewed commercially and politically,  
 than a Bill founded on these two Objects?  
 The Preservation of those vast Posses-  
 sions, and the Dignity and Interest of the  
 Nation.

Nation require the first great Object ;  
and the Faith of Parliament pledged to  
the Company requires the other, for the  
Preservation of their Chartered Rights,  
or exclusive Privileges of Trade to the  
East Indies. The first, Mr. Pitt has too  
much Wisdom not to secure, and the  
latter he has too much Virtue ever to  
violate. And since the first great Object  
of the Minister is as wise as the other  
is virtuous, " is it possible that any  
" Man can be absurd enough to imagine  
" that the Board of Controul over the  
" political Affairs of India, should be  
" made responsible to the Nation, and  
" at the same Time deprived of the  
" Sinews of War, or the Revenues of  
" the

" the territorial Possessions, for the  
 " Means of Defence, Security, and  
 " Prosperity ?" The Idea is monstrous.

It is an Absurdity in Terms, unworthy  
 of the Torrent of Language bestowed  
 upon it.

My Lords, it was disputed, whether  
 the Board had any right of Controul and  
*Direction* over the Revenue? But with  
 what colour of Reason could it be con-  
 tended that Parliament, seeing the Ne-  
 cessity of protecting the Possessions,  
 would leave the REVENUE, which is  
 the greatest Object of them, in the Hands  
 of the Company, who have been declared  
 incapable of governing the one, and of  
 being intrusted with the other? Parlia-  
 ment

ment had wisely and indeed necessarily, by controuling the Possessions, given a Power of Direction over the REVENUES arising from them ; not to absorb them totally, by a despotic and wanton Application, but to apply them judiciously as far as the Defence and Security of those territorial Acquisitions require, leaving the SURPLUS for the commercial Investments of the Company as their Capital Stock.

The Board of Direction and Controul, faithful to their Country, as Guardians of the territorial Acquisitions, and equally faithful to the Company, as the Guardians of their Capital Stock, have, with extraordinary Abilities and Application, proceeded

proceeded to reduce the enormous Establishments in India, and considerable Reductions have *long since* taken place. And so active has the Board been, and so meritorious their Conduct, that the Difference arising to the Benefit of the Country, by the interposition of the Board of Controul, was, by the Testimony of Mr. Pitt himself, no less than One Million and a Half per Annum, which for seven Years, from 1784 to 1791 the end of their Charter, will make **TEN MILLIONS AND A HALF,** besides the happy consequences which are of greater Value to the Nation and to the Company.

What

What a wonderful Exertion of Government in a Case of the utmost Confusion and Difficulty ! What an astonishing Proof of Talents, Virtue and Application in Mr.Pitt's Administration ! And how great are the Obligations of the Company for Protection that has absolutely produced these glorious Effects ! Effects which have accelerated the best Purposes of the Company, considerably increased their Revenues, and secured a SURPLUS for their Investments, which would have been nearly or totally absorbed by the Folly and Rapacity of their Servants, leaving the deluded Proprietors in a State of Insolvency.

This

This being the Case, and such being the absolute Necessity of the Case, was it likely that the Parliament, having wisely provided for the better Management of the military and political Concerns of the Company, they would leave the REVENUE, which is the principal Object, in a loose and negligent Manner? Was it possible that when a Power of Controul was so necessarily given over their Possessions, the Virtue of Ministers and the Wisdom of Parliament could leave the territorial Revenues without Controul? It was impossible that such an Idea could have been adopted; since the one follows as the necessary Consequence of the other,

like Cause and Effect. "The Court of  
 " Directors would doubtless," as Mr.  
 Pitt has shrewdly observed, "if they  
 " had it in their Power, at the expiration  
 " of their Charter, and when *at least* a  
 " Doubt might reasonably be entertained,  
 " whether it would again be granted them,  
 " make it the first Object of their At-  
 " tention to fwell their Investment," as  
 their last Effort, "and neglect the Care  
 " of the territorial and political State of  
 " India, in which this Country is most  
 " materially interested?" An Event  
 that would endanger our posseſſions and  
 greatly affect the political and commer-  
 cial Interests of this Nation.

It cannot then be a Doubt but that,  
 for the best Purposes of the Company,  
 and

and for the wisest Purposes of the State,  
the Legislature gave a Power of Superin-  
tendency and Direction to the Board of  
Controul over all the territorial Affairs  
of the East-Indies, annexing thereto, as  
a natural and necessary Consequence,  
full Power over the Revenues of those  
Possessions, not to be exercised wantonly  
or capriciously, but to be checked by  
the *Duty* they owe to their Country, in  
the Protection and Security of the  
Asiatic Acquisitions, and by the *Justice*  
they owe to the Company to promote  
the SURPLUS, and to secure it as their  
Capital Stock for their commercial In-  
vestments.

My

My Lords, this is so clear, and the merit of doing so much service to the Company and to the Nation is so great, that we cannot sufficiently admire the Virtue of the Ministry in suggesting such a Measure as Mr. Pitt's Bill of 1784, the Wisdom of Parliament in adopting it, and the Merit of Mr. DUNDAS, and the rest of the Commissioners of the Board of Controul in executing it, consistent with the Virtue of the former and the Wisdom of the latter.

A noble and learned Earl, distinguished in his Majesty's Councils, has therefore observed, very clearly and ably, that he was so far from doubting that the Board of Controul had a right to apply the

the REVENUES of the British territorial Possessions in India to their Protection, Security and Defence ; that he held it to be their first Duty, and if they were to sacrifice that important Object to the Purchase of a single Investment, or any commercial Concern whatever (which are secondary Considerations) they would be guilty of a High Crime and Misdemeanor, and deserve either Dismission and Reprehension for Incapacity, or Impeachment for Treachery to their Country.

I am happy, my Lords, extremely happy indeed, as a great national Object, to say, without fear of Contradiction, that Mr. Pitt's India Bill is founded on the

the clear and equitable Principle and  
the constant Practice of a trading and  
free People. It is a Power of necessary  
Superintendency and of wise Controul,  
established not wantonly, rashly, and  
rapaciously, like that of Mr. Fox, but  
judiciously to do a great deal of Good as  
it has already done, by the Testimony of  
the Directors themselves, without a  
possibility of doing any Mischief; because  
it does not interfere with the *commercial*  
Department of the Company necessary  
for the Management and Prosperity of  
their exclusive Privileges of Trade, se-  
cured to them by Charter, which is en-  
tirely left as formerly, and as it ought  
to be, upon the Faith of Parliament, to  
the Court of Directors, thereby with  
a virtue

a Virtue that does Mr. Pitt so much Honor, happily preserving the Nature, the whole Design and full Extent of the Company's Charter which Mr. Fox's Bill went to suspend and destroy.

### Recapitulation and Conclusion.

THE Principle and Tendency of Mr. Fox's Bill, and that of Mr. Pitt, being fully and fairly stated, the Conclusion is as clear as any mathematical Demonstration. The Comparison which Truth and Justice inspire, without a Tincture of Malice or political prejudice, which are Motives unworthy of Britons —— the Comparison, I say, between

between the two India Bills brought into Parliament shews, in the darkest and most horrid Light the Attempt (which thank God was happily defeated) of the Ex-Minister to establish a Commission to *suspend* the Directors, and to *seize* all the Property of the Company, which would have made it a Bankrupt, convulsed the Nation, and given a terrible Shock to PUBLIC CREDIT. And that strange Commission, which would have been a Commission of Lunacy, was to have been executed by a few of the warmest Partizans of Mr. Fox, subject to the controuling Power of the House of Commons : An Idea of great Absurdity and infinite Danger ; since the Commons cannot

cannot be either an executive or a judicial Power. The only *executive* Power of the Nation is happily lodged with the Crown, by the Constitution, and therefore the controuling Power established by the Legislature over the military and political concerns of the East India Company, in Mr. Pitt's Administration, is placed, as it should be, in the constitutional Hands of the Crown; subject, like all the conduct of the executive Power, to the Attention and Controul of the Legislative Authority of the Nation.

The Authority established by Mr. Fox's Bill is, therefore, unnatural and P unconstitutional,

unconstitutional, and the Act of *Suspension* and *Seizure* would do all the Mischief to a great Company of Merchants which the Legislature generously intended to prevent. It may be truly said, that the horrid *Principle* of that monstrous Bill, (which is founded on an Ignorance of the Nature and Interest of a trading People, and on an unparalleled Abuse of our excellent Constitution) went to an immediate Event the most alarming to the Company and to the Kingdom, by suspending all the Privileges of the Directors, and seizing all the Property of the Company, commercial and territorial, by a sudden Act of Violence, Despotism, and Oppression; which would have

have made the United Merchants trading to the East Indies, Bankrupts ; and put it out of the Power of the Nation either to support their Commerce, or preserve their territorial Acquisitions, to the great Loss of our political and commercial Interests, and to the great Advantage of France, and our other Rivals.

My Lords, such is the dark Complexion of Mr. Fox's India Bill, which was indeed a diabolical Attempt to ruin the Company, and endanger the Nation by the most arbitrary, unjust and impolitic Measure that ever entered the Head of a British Minister : a Measure of great Despotism, of great Ignorance,

and

and infinite Injustice ; subject to the greatest Abuse and to the most fatal Consequences, both commercially and politically. And as it was a Measure of great Folly and Fatality, so it was an Act of great Virtue and Wisdom in the Legislature to reject it totally and with the strongest Marks of Disapprobation.

My Lords, when the Minds of the enlightened and candid part of the Nation, ever open to Conviction, are recovered from the Shock which such monstrous Ideas of Government in a free State must occasion, and from the indignation natural to an Attempt of Mr. Fox of so alarming a Nature ; they will naturally contemplate, with Tem-

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per and Liberality, on the Principle and Tendency of Mr. Pitt's Bill; which, happily for the Nation and the Company, received the hearty Approbation of the Legislature, and the Court of Directors; from the fullest conviction of it's Moderation, it's Wisdom and Utility in regard both to the welfare of the East India Company and the Dignity and Interest of the Kingdom.

My Lords, the Contrast between the two Bills is great indeed. The Principles are as opposite as the Poles, and the Tendency or Operation as different as any two things can possibly be. Mr. Pitt's Bill being subject to the only *executive* Power of the Nation, it prevents the

mischief

mischief threatened by the unnatural and unconstitutional Authority of Mr. Fox's Commission. It being the only constitutional Power of Controul, that is, the only Power that can take an *executive* part, Mr. Pitt's Bill (upon the Principle and constant Practice of a trading People) takes the military and political Affairs of the Company under the Protection of a superintending Power of Government (and where can Protection be better and more effectually placed than under the care of the Executive Authority of the Nation, and under the Eye of the whole Legislature?) to controul the Management, and consequently, to apply *all the territorial Revenues* to such Purposes as shall appear best

best calculated to promote the wise ends of the said Superintendence : First providing, upon the Principle of all wise Governments, for the Security and Prosperity of the Possessions which produce the REVENUE ; and then, with the Integrity of a great and generous Nation, applying the SURPLUS to the commercial Purposes of the Company, until they shall, at the Expiration of their Charter, become intirely the undoubted Property of the Crown, in trust for the Nation. By the SURPLUS is meant the clear Profits arising from the territorial Revenues, after defraying the Charges and Expences attending military and civil Government, which *Balance* of the Produce of the Company's Posses-

sions

fions forms the principal if not the sole FUND upon which their Trade with India is now carried on. It is, therefore, the Company's Capital Stock, and consequently the great Security of the Proprietors; which I may say, without fear of Contradiction, cannot be in honester Hands than Mr. PIT'T's, nor in abler Hands than those of Mr. DUNDAS: Who, notwithstanding the Sarcasm of Party, has exerted extraordinary Talents and infinite Patriotism, by securing the Possessions in India, promoting their Revenue, increasing the Surplus for the Benefit of the Company, and fixing our commercial and political Interests in Asia upon the happiest Foundation. Mr. DUNDAS has acquitted

himself

himself, in this national Charge of the highest possible Importance, with great Ability and with great Honor, and has done so much Service to this Country politically, and to the Company commercially, as Chairman of the Board of Controul, that the Right Honorable Gentleman really has infinite Merit. It gives me great Pleasure to have this Opportunity of paying a small Tribute to the splendid Talents, the distinguished Patriotism and indefatigable Exertions of the Treasurer of the Navy, whose unparalleled Zeal and eminent Services shew that no Man is better qualified for Secretary of State for the Asiatic Department than HENRY DUNDAS, Esq.

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This

This is an unsolicited Tribute to transcendent Merit, which Truth and Justice inspire. It is not the fulsome Adulation of the prostituted Sycophant, but the Testimony of a disinterested Writer, who, though a Stranger to his Person, has Candor enough to admire his Talents and political Principles, and Liberality enough to do them Justice.

In this Place I could dwell much upon the territorial Revenues of India and the Conduct of the Board of Controul, and with great Credit to Administration ; as it shews the wonderful Interposition of Providence, through the present patriotic Ministers, for the Security and Prosperity of the Company, and for the Dignity

and

and Advantage of the Nation. As it is evident that the Balance or Surplus of the territorial Revenues is the Capital Stock of the United Merchants trading to the East Indies, it is a most fortunate Event that an Object of so much Consequence to the Company, as its Foundation and very Existence, should be placed under the Direction and Controul of Mr. Pitt's Bill; and that the Proprietors should, thereby, through the Virtue of the Lords, have escaped the Fatality of the sweeping Measure of Mr. Fox, which would have seized upon every Thing at Home and Abroad. It would, as I have shewn, have taken away all their Rights and absorbed all their Property, more effectually than a Commission of Bank-

ruptcy,

ruptcy, in which there is some Security  
for the Property of Individuals, but in the  
Despotism, the Folly and Fatality of  
Mr. Fox's Commission, there was none.

The Power, therefore, of Direction  
and Controul established by Mr. Pitt's  
Bill over the *territorial Revenue*, which  
has occasioned the display of so much  
Eloquence, instead of being strongly  
objected to by the Company, should  
meet with their warmest Admiration  
and Support, since it is the happiest  
Event to the Proprietors, by being the  
greatest Security of their Property. It  
is an Event at which the Proprietors  
should rejoice, since they are, by the  
Divine Goodness, emancipated from the  
horrors

horrors of Mr. Fox's Bill, which would have swept every thing away, and from the impolicy of their own Directors, which would have endangered every thing; and their Property, their Rights and their true Interest are fortunately placed in the Hands of as upright and patriotic a set of Ministers as ever were placed over the Affairs of this great trading Nation.

Mr. Pitt's Bill of Direction and Controul, I am proud to say, is the happiest Measure that, under the Circumstances of the Company, could possibly be taken by the Government of a wise Nation, to save the Company at Home and to secure their Property Abroad. Of this

Truth

Truth there cannot be stronger Evidence than the Re-establishment of the Company's Credit by the happy Effects of the Commutation Act, and Mr. Dundas's unexampled Exertions to save One Million and a Half Annually in India, since the Establishment of the Board of Controul. These great Events, at Home and Abroad, are FACTS that even Envy and Malice cannot deny, although they unjustly refuse a Tribute of Admiration to Mr. Pitt's India Bill, which has manifestly been the cause of such happy Consequences.

From this mild and salutary Operation, it will appear (if viewed with Temper, Candor and Liberality, and not

not with the Malice and Injustice of Opposition) that this natural and necessary Power of Direction and Controul, established by the Bill of 1784, is nothing more than a Security that is given in all Cases where great Assistance is required, and which the Company have required and received of Government. It is a necessary Act of Prudence and Preservation, founded on the Principle and constant Practice of all Merchants. The Principle is as gentle as it is just, operating, as it should do, as a Security to the Nation, and as a Protection to the East India Company. It has already produced the happiest Effects in favor of the Company as the Directors have acknowledged, by raising it from perplexity.

plexity and danger to wealth, splendor and security beyond any former period and the exertions of all former Ministers : And it is calculated to produce Consequences as happy to the Nation as it has done to the Company by the Commutation Act, which will appear to be a wonderful Exertion of Virtue and Wisdom in Mr. Pitt's Administration, if we judge by the happy Consequences and the honorable Testimony of the Directors themselves.

The Public impressed with this just Idea and high Opinion of Mr. Pitt's East India Bill (which may be called a Bill of Salvation, Prosperity and Security to the commercial and political Interests

terests of the Nation beyond the exertions of all former Ministers, who either did not conceive or attend to the vast extent and importance of our Affairs in the East Indies which every day become more interesting by the progress in Arms of native Princes and the Views of France and other Nations in Asia) The Public impressed, my Lords, with a just sense of these great Objects and of the distinguished Merit of the Minister who has, with so much ability and patriotism, attended to them, they will, in justice to the astonishing Abilities and the no less extraordinary Virtue of Mr. Pitt, remember that, by this great political Exertion he has avoided

the terrible Precipice of Mr. Fox's Bill, by not interfering with the *commercial* Department of the Directors, who have not the least reason to complain, as they loudly and justly did of that monstrous Bill, because they are left by Mr. PITT in full Possession of the Management of their exclusive Privileges of Trade granted by Charter to the East India Company, which are protected assisted and rendered prosperous by his patriotic and active Administration, all which Mr. Fox, in the most arbitrary manner, would have suspended and destroyed,

Then let the Passions of his few Partisans and the Prejudices of his Party

subside

subside to do justice to the East India Bill of 1784 brought in and carried through Parliament by Mr. PITT, whose Wisdom and Patriotism in the happy Emancipation of the Company from Commercial Difficulties, and in the judicious Management of their vast territorial Possessions, to prevent the most culpable and ruinous mismanagement, will lead him, like his illustrious Father, to the Temple of immortal Fame,

It has been said by shallow Politicians, or by Men who are inimical to the Success of the present active and excellent Administration, that Mr. Pitt's Bill of Controul is dangerous, by giving

ing an alarming addition of Power to the Crown, but this is a FALSE ALARM. Supposing the Possessions were *national* and the Army *Royal*, as they must soon be constitutionally, the Acquisition of such vast Possessions in the East Indies would certainly be a great Accesion of Interest to the Executive Power; but the increase of Dominions has always been considered as a Source of national Wealth and Strength, and not as a Cause of Jealousy and Danger.

Great as was the extent of our Possessions in AMERICA, and great the Patronage of Government, yet such constitutional and necessary power lodged with

with the Crown, was never found, nor imagined to be, a dangerous Influence in the hands of Ministers. The same may be said of our Possessions in ASIA, which being subject, as the Colonies were, to the whole Legislature, will not, any more than other national Dependencies, become a Source of Ministerial Corruption, dangerous to the Constitution and to the Liberty and Property of a free People ; but a great source of Wealth and Strength to the Nation in the hands of such an able and virtuous Administration as Mr. PITTS's.

With infinite respect I close this Appeal to the Wisdom and Virtue of the House of Lords, with a Wish that

arises

arises from long Experience and full Conviction: It is a Wish, my Lords, *ex animo*, that, while we have Ministers with splendid Talents and great public Spirit, it may be thought more adviseable now than at an approaching period to grant the Company *a new Charter*, confining the United Merchants trading to the East Indies to their exclusive Privileges of Trade only, leaving "the Directors, in the Words of Mr. PITTE," the sole Management "of all that relates to their Trade;" and consequently, annexing to the Crown, in trust for the Nation, all their territorial Acquisitions. My Lords, a renewal of their Charter, upon these two principal conditions, would *constitutionally*

*tutionally give to his Majesty the Government and consequently the Patronage of India, like the rest of the British Dependencies.*

This, my Lords, would require a Secretary of State for the Asiatic Department, where the Right Honorable HENRY DUNDAS, Esq. now presides with great Ability and public Spirit, and with a scrupulous Zeal for the Dignity of the Nation, and the true Interest of the Company almost without Example. Such an Appointment from His Majesty is a Measure of the greatest National Utility, and, consequently, of the soundest Policy; as it would bring all the Affairs of the East

Indies,

Indies, both commercial and political, under the protection of Government and the cognizance of the Legislature which is the great constitutional Check of the Crown. An Event of this sort, which has long been the wish of the Nation, and consequently a *popular* Measure, it is presumed is now in the contemplation of His Majesty's Ministers; because it is manifest that it would be productive of the happiest Consequences at home and abroad, by adding Wealth and Strength to the Nation, and giving Energy to Government in the Eyes of Native Princes and the Powers of Europe; and because it is evident that no Ministers can be better qualified than the present to promote so great a Na-

tional

tional Measure as that of placing the Commerce and Possessions of India upon such a judicious and permanent footing, as shall effectually promote the one and firmly secure the other ; and totally put an End to all unbecoming Disputes between the Executive Power of the Nation and the East India Company, which are certainly inconsistent with the Views and Interest of Merchants, and both incompatible with and degrading to the Dignity of the Nation that grants them such exclusive Privileges of Trade.

Lord North let slip the fine Opportunity of placing the East India Company upon this solid Footing, which the Nation have long wished, because as I

S have

have observed, it is evidently the true Design of a Commercial Charter and the true Interest of the Country that grants it for the Extension and Prosperity of Trade, and not for Military Operations and Civil Government, which are fit only for the Executive Power of the State. The Act of that unpopular and unfortunate Administration, "to continue the Company's Charter," did not deserve the Reputation even of a *half Measure*; for it left Things just as they were, in regard to the Possession and Security of the territorial Acquisitions and Revenues. This culpable neglect, which does so much Injustice to the Nation, and the Effects of that Neglect together render it necessary for

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the present more active and popular Administration to attend seriously and effectually to the extensive and important Affairs of India ; and it is fortunate for this Country, and equally so for the United Merchants trading to the East Indies, that Business of so much Consequence to our political and commercial Interests is in such good Hands ; for it is a Truth universally acknowledged, and founded on the unerring Testimony of Experience, that Mr. PIT'T's Administration possestes the strong Talents and pure Patriotism, which so eminently distinguished that great Statesman and Patriot Lord Chatham, whose Memory will be dear to Britons as long as they have any Sense of public Virtue.

My

My Lords, when a reasonable Compensation is made to the Company consistent with the Dignity, the Justice and Liberality of the Legislature, for *their military Establishments and Provision for their Army*, by Consolidation, to make it Royal or National, I really think it will be as much for the true Interest of the Company, as it is the wish of the Public, for them to relinquish every thing of a Military and Political Nature, and confine themselves to Objects of Trade only, according to the original Prayer and Design of their Charter, to the Character of Merchants, and to the true Intent and Interest of a commercial Establishment.

My

My Lords, the Circumstances of the Company, the progress *in Arms* of native Princes, the Views of France and other Nations in Asia, and the Abilities and Virtues of the present distinguished Administration, are Considerations which together render such an Act absolutely necessary for the Dignity and Interest of this Country, and more adviseable at present than perhaps at any future Period.

A new Charter, that shall absolutely and totally separate the political from the commercial Concerns of the East-Indies, giving the whole of the former to the Crown, in trust for the Nation, and the whole of the latter to the Company,

pany, is an Event of infinite Dignity to the Kingdom, and of great Utility to the Company. It is, my Lords, a glorious Measure, fit for the Abilities, the Virtues and animated Exertions of Mr. PITT's Administration, which, for Principle, Sagacity and Utility, are almost without Example. Nor will the Company have less reason than the Nation to rejoice at an Event big with commercial and political Advantages; since the Directors, as a commercial Body, will be better able to attend to their exclusive Privileges of Trade when they are happily emancipated from the Shackles of a military and political Department; which is so incompatible with the Nature of Trade, and the Pur-

suits

suits and Interest of Merchants; and so repugnant to the Principles of Government and the Policy of a great Nation, as the Existence of *Military* Merchants, and *Sovereign* Subjects.

It has been observed, and I think very shrewdly by an honorable Gentleman, that it has not been the trading Concerns of the Company which have produced Malversation in India, but their Power over the Natives in consequence of their territorial Acquisitions; which it is ridiculous to say cannot *instantly* be put into other Hands, leaving the Trade upon the same footing as before any territorial Power was acquired by this great Company of Merchants.

As

As this is the great Object to which Administration seem to have turned their Thoughts, the Public expect, from the Wisdom of such patriotic Ministers, to see the United Merchants trading to the East Indies confined intirely to TRADE, according to the prayer of their Charter, and the original Design of the Legislature; and all territorial Possessions and their concerns, civil and Military, placed where the true Interest of Merchants and the Dignity of the Kingdom required they should have been placed long ago, in the hands of the Crown in trust for the Nation. That wise *separation* of Commercial and territorial Concerns, which have been so unnaturally united

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and unwisely left with Merchants, is certainly the best System of Asiatic Government and the happiest Means of promoting the true Interest of the Company, of securing the national Advantages of our Acquisitions, and defeating the Views of France and other rival Nations in the East Indies.

While the Bill of 1784 is producing this Event, nearly as effectually as if that of 1781 had been repealed, or their Charter had expired, a Ministry of Capacity and Honor will, undoubtedly, attend to the Company's military Establishment as the consequence of having, before the Expiration of their Charter, taken the Patronage of their Possessions

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and territorial Revenues, leaving the Company only the Surplus for their commercial Investments.

The immediate *Consolidation* of the two Armies in the East Indies is an Event that Justice and sound Policy equally require. It is an Event in which the Feelings, as well as the Justice and Interests of the Nation are highly concerned. The inconvenience and impropriety of two distinct Armies acting from different Authorities, and the absurdity of a *Commercial Army*, confounded and degraded by the superior Dignity of a Royal Army are Evils which require an early Remedy, by blending the two Services

together,

together, so that the Army of the Crown and that of the Company shall in future, by this *Consolidation*, form but one Army, and that National : For, if the Act of 1781 is so far repealed as to give to the Board of Controul the whole military and territorial Patronage (which is clearly the case) the Army must certainly be Royal, and both Justice and the Honor of the Nation require that the Officers, now in the Company's Service, shall be taken into that of the Crown.

If Ministers take their military Department they must also take their military Establishment with it, without any Alteration in their Rank, or the Date  
below.

Date of their Commissions. The one must go with the other. The Company's Establishment have as much Right to their Rank in the King's Service in India as the Crown has to the Military Department, and their Claim should be admitted as *private Property*, which they have acquired with much honor and with great Credit.

Mr. Pitt, animated by this sense of Justice and sound Policy, admits "the Necessity of this *Consolidation* of the two Services, but thinks it cannot possibly take place during the Continuance of the Company's Charter without the Company's Consent." But I apprehend an Idea of this sort would

would be an Act of Injustice and Impolicy, unworthy of a great Nation, and of a patriotic and active Administration. There is a great Deficiency in the System that takes the territorial Patronage, embracing both the Possessions and their Revenue, and leaves the military Establishment, which, I conceive, cannot in justice be separated from it. Those who have acquired and defended our valuable Possessions, have certainly a Right to preserve their Rank in them, under the new Establishment; a Right so well founded as to be as sacred as *private Property*. Under the arbitrary System of Mr. Fox, Deprivation of Rank and Property, in all Stations, would have been the Effect of Despotism, of Rapacity and

and Folly, of which Merit would have complained in vain. But under the auspicious Arrangement of Mr. Pitt, which is founded on the Justice that Virtue inspires, and on the sound Policy which Wisdom animates, the earliest Attention may be expected to every thing that is Right individually and collectively.

Acting upon these fine Principles which warm the Imagination, and at which the Breast of every Briton must glow with Admiration, I cannot conceive why this *Consolidation* has been delayed, unless Mr. Pitt, ever scrupulous of the Constitution, thinks it cannot be properly done until the territorial Acquisitions and the Revenue become, by the

the Expiration of the Company's Charter, the undoubted Property of the Nation. But that neither this Event, nor the Consent of the Company are necessary, will clearly appear by the Act of 1784, which virtually repeals the military Part of that of 1781 and, by taking the territorial Department, ought in justice to have taken the Army by Consolidation, when the Board of Control was first established.

If Mr. Pitt does not hesitate to take the SUBSTANCE (the Possessions and Revenue) before the Expiration of their Charter and without the Consent of the Company, he certainly ought not to scruple to take the SHADOW, that is, the military Establishment annexed thereto,

thereto, without waiting for that Expiration, or that Consent. An immediate **CONSOLIDATION** should take place from a Principle of sound Policy as well as from Motives of Justice; since it will prevent the Inconveniences and Disorders of the remaining three Years of the Charter, and the Confusion and Mischief which, for want of a timely military Consolidation, may arise in 1791.

At this Place a Consideration of great Importance occurs, worthy of the Virtue and Wisdom of the British Nation. The Retrenchments, so wisely made by the Board of Controul in the territorial Department (whilst it happily increases the Surplus for the Company's Investments,

ments, and is, at once, an Instance of great Capacity and great Integrity), will be an insuperable Bar to an *Increase of Employment*, in either the civil or military Establishments for some Years to come.

This will distress a vast Number of young Men who are gone out to India from an impolitic Spirit of Emigration, to these illusive Regions of Wealth. It is presumed the Humanity, the Policy and Character of the Nation are deeply interested in the Fate of these Adventurers ; and that Government, under a patriotic Administration, should, as early as possible, declare a total *separation* of the territorial Department from the Company, that young Men may no

longer depend on the Company for civil or military Establishment, but direct their Views to Government as the political *Cælum* or Source of all Employment that is not Commercial.

### VERIDICUS.

10 March, 1788.

POSTSCRIPT.

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## POSTSCRIPT.

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**S**HOULD it be thought, my  
Lords, that this Publication comes  
rather too late to do Justice to the  
cause of Truth, and public Virtue,  
which is so conspicuous in the Conduct  
of our present Ministers, the Writer  
presumes to be of a different Opinion;  
since it is intended not so much to  
*support* the Measure, as to *justify* it.  
Ministers who mean well and court  
Popularity, by acting constitutionally  
for the good of the People, as well  
as

as the Dignity of the Crown, not only  
wishes their Measures may be supported  
by the Legislature, but that they may  
be justified by the Sense of the Nation  
at large.

In the present case, great Majorities  
have supported the Bill against a torrent  
of Language and a most extraordinary  
Opposition indeed. I say *extraordinary*,  
because there never was, perhaps, less  
reason for opposing Ministers. It there-  
fore, discovers a spirit of Party more  
than a true public Spirit, or a noble  
Zeal for Truth and the national Wel-  
fare. Although the Victory is the  
greater over the Passions and Preju-  
dices of Party, by overcoming such a  
powerful

powerful Artillery of Eloquence, and the Triumph the more glorious; yet, when party Motives subside, and cool Reason universally prevails, it will appear wonderful, to a candid and sensible People, that such a violent Opposition should ever be made to a Measure the most innocent, and of a popular Nature: I say innocent, because it is harmless, having nothing of the Nature of Usurpation or Violation: And I say popular, because Explanation and Perspicuity are satisfactory and repugnant to the ambiguity and mystery of arbitrary Measures.

Declaratory Bills, which imply an Explanation of subsisting Acts, should be

be considered as *popular* and desirable Objects, because they are intirely explanatory to prevent Abuse. In the present Instance the Authority to be declared was fully Authorised in 1784\*, but admitting of doubts, from the construction of some Understandings, Ministers, with a scrupulous Regard to the Constitution, wished to render it more explicit than the Power of the Bill, by being clearly understood, may not be abused. The Idea is popular,

and

\* I have no doubt I shall be able to prove beyond all contradiction, that the Declaratory Bill has given the true Exposition of the Act of 1784, and that it could not have been intended otherwise, either from the Title of the Act, or the nature of a Power of Direction and Control.

Lord President.

and the Explanation meritorious in Government, as it shews a wish to avoid Ambiguity, and prevent an Abuse of Power.

Declaratory Bills may, therefore, be called popular Bills, because they are meant to explain ; and nothing surely can be fairer or more honorable in Ministers, than a clear Explanation ; that Acts of the Legislature may be fully understood. None but good Ministers will bring in Declaratory Bills, explanatory of their Measures and Designs, to satisfy the People. Bad Ministers will be satisfied with an Authority once obtained, and exercise it to the greatest Latitude, regardless of the Constructions that

that may be put upon it. The present Administration may be blamed, greatly blamed indeed, for the Impolicy of unnecessarily bringing in a Bill declaratory of the clear Authority of that of 1784, to hazard a Power obtained; but they will be commended for the popular Principle and the public Utility on which it is founded. Measures that will bear the Light have nothing to fear from a Declaratory Bill, since an explanation cannot endanger a good thing, nor prejudice a good Minister.

Much has been said by great Lawyers (who, with splendid Talents and great Powers of Oratory, are not always great Statesmen) about Declaratory Bills, but

I believe

I believe so much Eloquence and judicial Disquisition was never less necessary than on the present Occasion ; for when the Board of Controul, the Directors, and eminent Council, maintain different Opinions of the construction of an important Act of the Legislature, can anything be fairer in Ministers than to bring those different Opinions to Parliament, that the Legislature may decide, and, by a *Declaratory Bill*, give the true Exposition of their own Act, that, by being clearly understood, it may not be abused ?

Could Ministers and the Commissioners faithfully discharge their Duty to their Country, or do Justice to the Company,

if they did not immediately apply, in a case of so much Difficulty and Importance, to Parliament for a Declaration of the true Meaning and Powers of the Bill of Direction and Controul, the active Authority of which had been doubted and resisted by some of the Directors ?

A noble and learned Lord of the highest judicial Reputation has, with his usual splendid Talents, pointed out "the Distinction between Declaratory " Bills passed with a View to ascertain " Advantages to the Subject, and such " as are passed with a View to authorize " the Extent of their Restriction. The " latter were always odious, and confi-  
dered

“ dered as the Instruments of Tyranny,  
 “ while the former were looked to with  
 “ Reverence and Admiration.”

Nothing is clearer, nor I believe better  
 known, than that Declaratory Bills, like  
 Enacting Bills, are either admirable or  
 odious in Proportion to their Design  
 and Tendency. But this general Truism,  
 which applies to all Acts, proves nothing  
 but the Eloquence of the noble Orator.  
 It has been liberally observed by another  
 learned Lord, on the same Side, “ he  
 “ really believed that from their first  
 “ Institution, the Board had acted from  
 “ the very best Motives, and done their  
 “ Country and the East India Company  
 “ the most essential Service, from the  
 “ Wisdom and Policy of their Measures,”

Now, if the Power has been so judiciously exercised, we ought, in Justice to Mr. Pitt's Administration, to place a Confidence in his Principles, and to look up with Reverence and Admiration on Measures that have produced those happy Effects, which are imputable to Virtue and Wisdom, and which rank the Declaratory Bill with such as virtuously promote the Interest and Welfare of the People, without invading their Property or violating their Constitution.

That Declaratory Bills are always dangerous, or that they were ever dangerous upon the Principles Mr. Pitt has evinced, is by no Means to be admitted, although coming from such high Authority

rity as the noble Judge, who argues splendidly but delusively in the present case. The noble and learned Lord observes, with a Triumph natural to brilliant Talents, that " nothing surely " could be more alarming than for those " who were to act under a Law to take " upon themselves to pronounce upon " its Extent, and to define the Limits " of their own Authority."

His Lordship here clearly alludes to the impropriety of the Board of Controul giving the Exposition of their own Authority. But is the Idea founded? Certainly not. The Board does not pronounce the extent of its own Authority but, in order to remove the doubts,

doubts, the jealousy, or the misrepresentation of the unfriendly Directors, and of violent Party-men, they wisely come to Parliament for an Exposition of the Authority with which they were vested by the Bill of 1784. And surely nothing could be more commendable than such an application to the supreme creative Power of the Legislature, who are the best Judges of the Meaning and Design of the Authority they have created. Who so proper to explain and declare the Meaning of a Bill as those who have enacted it? In judicial Cases the Courts of Judicature (which are the executive Authority of the Law) are the fitteſt to explain the Law; but, in political cases,

cases, if we do not suffer the Executive Power of the State to exercise the same Authority politically, recourse must be had to the Legislative Power to which no reasonable Objection can be had.

Another noble and learned Lord\* condemns “Declaratory Bills as generally dangerous and never necessary but upon pressing occasions.” The present instance is an exception to the danger, having evidently a contrary tendency; and the necessity is strong; for what can be more pressing than the preservation and prosperity of our vast Commerce and Acquisitions

\* Lord Grantley.  
in  
f Lectione.

in the East Indies, to promote the Wealth and Strength of a greatly indebted Nation, and to guard against the deep Designs of native Princes and foreign Powers who envy our Possessions and Trade, and watch, with the Eyes of Argus, an opportunity to invade the one, and to ruin the other ?

In this light of great national importance, both commercial and political, is it not necessary and proper that Acts of the Legislature, creating a Power of Direction and Controul over the Affairs of India, and acting in a capacity both *new* and important, should be clearly explained that they may be fully understood, and properly exercised ?

exercised? How can the noble Lord, under such pressing and important Circumstances of the Nation and the East India Company, contend that such an explanation, to avoid abuse and to prevent the invasion of Rights and the violation of the Constitution, is both "unnecessary and dangerous" since nothing can be more necessary to our Welfare and less dangerous to our Constitution than such a politic and patriotic Measure of Administration?

Why the noble and learned Lord should "tremble for the precedent" of a Bill of absolute necessity and the soundest Policy I am at a loss to con-

Y ceive;

ceive; but I should tremble myself more for the Consequences, both commercial and political, were Ministers not to establish the Exposition, of the Act of 1784 by a Declaratory Bill, which, in the present Instance, is so perfectly harmless, meritorious and important that they would deserve to be impeached for Treachery to their Country, were they to neglect it, either through false Delicacy of the Constitution, or fear of Opposition.

The learned Lord condemns Declaratory Bills in the gross and prefers Bills of Indemnity in Cases where Ministers doubt the exercise of their Power and the legality of their Measures.

fures. But I venture to be of a different Opinion. The former are fit for good, the latter for bad Ministers. To prevent an illegal exercise of Authority, Ministers, like Mr. PITT, tender of the Constitution of their Country, will be thoroughly satisfied as to the extent of their Authority, that the People may not be deceived and betrayed. But daring Ministers, regardless of the Constitution and the Effects of their Measures, will first Act illegally and dangerously, and when closely pursued, either by conviction or fear, they will require, and through their ministerial Influence over the Legislature, obtain a Bill of Indemnity. "Thus little

" Rogues

" Rogues submit to Fate, while greater

" Rogues enjoy the World in State."

Bills of Indemnity have covered the worst Actions, and screened the most culpable Ministers. A Bill of Indemnity implies either great Ignorance, or great Culpability, and sometimes great Criminality. Good Ministers will come to Parliament, before they proceed, for an exposition of such Acts, as, in Cases of great importance, admit of different constructions, for fear of doing wrong; but bad Ministers, after they have acted wrong and criminally, will artfully desire to be eased of the burthen of their fears by a Bill of Indemnity, which has often protected great Delinquency.

It

It has been said, on the present Occasion, that an enacting Bill would have been fairer than a Declaratory Bill, but the Reverse is the Truth. It would be Folly to enact what is already enacted, but it is Wisdom to explain what is either not clearly understood, or will admit of Misrepresentation and Obstruction. It has, therefore, been justly observed in Debate, that “ if an Enacting Bill had been brought in, it would “ have been an *Ex post facto* Law, and “ would, by Implication, have charged “ almost every Act of the Board of “ Controul with Illegality,” and Culpability if not Criminality.

The

The Observation is shrewd, and coming from a distinguished Character of that Board, who speaks with Candor and acts from Principle, it shews a most commendable Circumspection and Care not to act without the clearest Conviction and the most constitutional Authority.

An Enacting Bill in the present Case, would certainly imply a Doubt of the Authority hitherto exercised by the Commissioners, and make the Board *Felo de se*. And it would lead to that Confusion and Resistance which, at such a Distance as Asia, might, by Delay and Obstruction, defeat all the good Purposes for

for which the Authority was established,  
and endanger our Possessions and Com-  
merce.

The Difference between an Enacting  
Bill, in a Case enacted, and a Declaratory  
Bill, explanatory of the Act, is so great  
as to render it extraordinary that Men  
of the greatest Talents should, for Party  
Purposes, say so much to so little Purpose,  
and discover the Strength of their At-  
tachments more than the force of  
sacred Truth and the Effect of Candor  
and public Virtue.

If the Regulating Bill of 1784 for  
the Affairs of India meant any thing  
by a Superintendency, or by a Power  
of

of Direction and Controul, it meant in the first word to preside over them; and by the second to check and regulate such military Measures and apply such Resources as Preservation and Security require. No Man in his Senses, but a Party Man, will deny a thing so clear and conducive to substantial Justice and sound Policy.

The strength of the Argument in the lower House of Parliament, though quite foreign to the Purpose of a Declaratory Bill, is to be found in Mr. Flood's speech, that " a Charter is " sacred as being of the Nature of a " Lease in which the Legislature is " Landlord and the Company Tenant."

But

But I have shewn that the Speaker is totally mistaken. In the upper Assembly, distinguished for brilliancy of judicial and legislative Talents, the strong hope of Opposition was founded on the splendid Abilities of a noble Judge, who proposed a *Rider* to distinguish between private and public Property, and to prevent the former being absorbed by the latter. Here is the appearance of Justice and public Virtue without the reality of either. The learned Lord should know that Declaratory Bills do not, like Enacting Bills, admit of *Riders* being merely explanatory.

Whenever an Enacting Bill shall have in Contemplation the granting a new

Charter, it will necessarily be considered what is public and what *private* Property, the latter of which will ever be held sacred by so popular a Minister as Mr. PITTE and his Friends. The learned Lord in Opposition, says, "the Island of Bombay is indisputably the Company's Property, by Virtue of a Grant from the Crown. Considerable Lands round Calcutta are also theirs by Virtue of Grants from different Princes of Asia. They also hold Lands about Madras to the supposed Amount of £.90,000 per Annum." These are, in the Opinion of the noble Judge, "all Matters of private Property independent of those territorial Acquisitions over which Government, by the Bill of 1784, have exercised an Authority."

Notwithstanding this high Authority, as it is more of a political than a judicial Consideration, I venture to say that if the Company's claim, as above, is not quite groundless it admits of very great doubts. Private Property in the present case is not easily ascertained. In my own mind I have a conviction that they have none beyond the limits of their commercial Charter. I do not even think, with a noble Lord on the other side, who so ably presides over the Commerce of the Nation, that they should continue to possess "what they "hold by Virtue of a Royal Grant, "and that the Island of Bombay comes "clearly under that Description."

A learned

A learned Gentleman of Council for the East India Company, with a torrent of Eloquence, stated the terms and tenure of the different Charters that had been granted by different Kings, all which, he said, had been recognized by various Acts of Parliament. He began with mentioning " the Charter of Queen Elisabeth " and that granted by James II. the latter of which vested the Island of " Bombay with all other Territories " in India *then* acquired or that *hereafter* should be acquired by the East India Company either by force of " Arms, or by Virtue of any cession " or grant either of the Natives or " other

" other foreign Princes, to the East  
 " India Company to be held by them  
 " in *free Soccage* for ever," &c.

Besides the Folly and Impolicy of making such Concessions to *Subjects*, I contend that it transcends the Power of a limited Monarch to concede them. But supposing James II. had a Right (which none but absolute Sovereigns can claim) to concede to the Company Territory, which did not belong to the Crown and in which he had no Interest, it will hardly be said that if he could grant what was *then* acquired, he could also covenant for his Successors and make a Concession of all that might *bereafter* be acquired.

This

This would be binding a wise King to the folly of a Concession an hundred Years ago. A doctrine as fatal as it is absurd. But since a noble Lord at the Board of Trade seems to think such Royal Grants are private Property, I will, for a Moment, admit that the Island *was* the Right of the Company. It should here be remembered that the Company which obtained the Grant was dissolved in 1697, and a Charter granted to a new Set of Adventurers, who not *inheriting* the Rights and Property of the old Company could not claim under an Act prior to their Charter. If the Company had a Right to the Island of Bombay by Royal

Royal Grant, as private Property, it should have been claimed by the old Company which was dissolved in the subsequent Reign of William and Mary.

By this short Remark, I think it plainly appears that the dissolution of the Company in that Reign, rendered the Acts of James II. and Elizabeth as void as if they had been abrogated. I am, therefore astonished that Royal Grants of *this Nature* should find such a powerful Advocate as the noble Lord who presides at the Board of Trade with great Abilities, public Spirit, and genuine Patriotism.

The

The Charter of Merchants being for commercial Objects only, nothing that is not commercial can, in my Apprehension, be retained after it's Expiration.

" Considerable Lands round Calcutta " and about Madras, held by virtue of " Grants from different Asiatic Princes," were no doubt granted *commercially*, and therfeore became National at the Expiration of their exclusive Trade. But were they granted *politically*, as an Accession of Empire to a Company of Merchants, the Subjects of this Conntry (an Idea truly absurd) they cannot possess those Dominions any longer than it is consistent with the welfare of the Government to which they belong. Such concessions of Territory from nativePrinces, obtained

obtained by *Violence* or other Means, are certainly disputable Acquisitions. They are not of the Nature of Estates or private Property, but Lands which become national at the Termination of their Charter, when their Interest, in every thing military, territorial and political, absolutely and totally ceases. Nor is the Grant of the Crown, in my Judgment, less precarious. If the Nation had no Possessions in India, how could the Crown grant a Perpetuity to the Company? But, if it had, such a grant of Territory, like a grant of exclusive Trade, and indeed like all Acts of the Legislature are *retrospective*, as well as *prospective*, to be abrogated or continued, as the public Good may re-

quire: In the first Case, the Crown had no Right to make such a Grant. In the second, the Sovereign cannot, in Trust for the Nation, grant any Thing inconsistent with the Dignity and Interest of the Kingdom. Such a Cession would be *unpatriotic* because it is unjust to the Nation; and *unconstitutional* by transcending the power of a limited Monarch. It is, therefore, evident, that, by territorial Acquisitions, all Possessions in the East Indies, however acquired, and by whatever Title possessed, become the Property of the Crown, in Trust for the Nation, whenever the Company's Charter expires, or it may be thought adviseable to dissolve the old, and grant a new one, (as was done in 1697 to *a new Set of Adventurers*, notwithstanding the clamor

of the old Company against the Proceedings of Parliament) confining the Company to their exclusive Privileges of Trade, the Enjoyment of which alone, to the Exclusion of the rest of a great trading Nation, is a sufficient Consideration without annexing to their Commerce any Claim to a territorial Estate. Nor can they require any pecuniary Consideration for their Possessions, because the vast Benefits they have already received are a sufficient Compensation for their military Establishments. And as to the charge of their Acquisitions, the late Lord Clive assured us, that the Company had received £ 1,250000 Sterling from the Nabob Meer Jaffier, to defray that Expence. This, with the vast Sums they have since acquired, is a sufficient Compensation for resigning all their Dominions to the Crown as the Property of the Nation.

Here my Lords, I humbly beg to arrest your Attention and to fix your noble Minds to a Consideration of the greatest Magnitude, which deserves more than a fugitive Attention of Men in the highest judicial and legislative Stations. In your high judicial Character, your Lordships will attend with the Virtue of Jurisprudence; and with Wisdom in your exalted Character of Legislation. Inspired by Virtue and animated with Wisdom your Lordships will Judge, in the present Case between the Company and the Nation, as in all other Instances, with that Justice to Individuals and sound policy to the Public, as shall convince admiring

Nations

Nations that the Legislature and the Government of this Country are “ just “ and generous beyond the Example “ of all other States.”

In has been contended by a noble and learned Lord in Opposition that the United Merchants trading by Charter to the East Indies have acquired vast Possessions in Asia, which are of the Nature of *private Property*. And a noble Lord high in office, of great Abilities and Experience, seems to have admitted *part* of the Fact. But, notwithstanding my reverence for such distinguished Characters, and my admiration of their splendid Talents and distinguished

Merit,

Merit, I have ventured to oppose the Opinion of both; and to maintain that the Company's Acquisitions are not of the nature of Estates and of private Property, and that, by Consequence, they can have no Interest whatever in their territorial Possessions; since all their Acquisitions will devolve to the Nation naturally, necessarily and constitutionally at the expiration of their Charter in 1791.

But, if I am right in regard to the devolution of *all* territorial Possessions in India, it will be asked what will become of the capital Stock of the Company which arises from the *Surplus* of the territorial Revenues when

when they are surrendered to the Crown by that approaching devolution of every thing territorial?

My Lords, the answer is obvious. If it is contended by an Irish Orator, that "a Charter is of the Nature of "a Lease," is it difficult to conceive the Situation of the Tenant at the expiration of his Term? The improvements he must relinquish, and it is no consideration with the Landlord what advantages or disadvantages have arisen to the Tenant, who has no longer a local Interest in his Estate. The Expiration of his Term and the devolution of his right are the only Objects of his Consideration.

My

My Lords, I apprehend the Fact is so. But, as a vast trading Nation is essentially concerned in the Fate of a great trading Company, something more may be said upon so important a Subject.

By the devolution of all the territorial Acquisitions, without reservation under any Idea of private Property, the territorial Revenues must all become the Property of the Nation, to be applied to the Expence of the civil and military Establishments, and the SURPLUS, which is now applied to the commercial Investments of the Company, will be applied to the Purposes of the Nation.

At

At this period, which rapidly approaches, the Capital Stock of the Company will be found only in what may then be the SURPLUS, after deducting the expence of civil and military Government, which cannot be immediately ascertained. That Balance, which depends on the wise Conduct of the Board of Controul, without a prospect of any thing productive from Territory for their future Investments, and with great incumbrances will place the Proprietors in a Situation not easily described. But your Lordship will conceive it clearly, and thank Providence for inspiring your noble Minds with Virtue, and animating you with wisdom and resolu-

tion to Support Mr. PITT to interpose with the strong Arm of Government, at a period so truly Critical to the Company, and important to the Nation, to our Funds and to PUBLIC CREDIT which is the Soul of a great commercial State.

My Lords, the rejection of Mr. Fox's Bill, which would have operated like contagion, and in which your Lordships had all the Merit, and the adoption of Mr. Pitt's, was one of the most wonderful Interpositions of Providence in favor of the commercial and political Interests of this Country. It emancipated us from the despotism of the one, and secured our Liberties and Prosperity

Prosperity by the Blessings of the other.

It requires the well informed Minds of your Lordships to conceive all the Calamity of the former (which was like a *terrible Precipice*, from which the Company and the Nation looked down with horror) and all the Utility which will arise from the happy Effects of the latter. The Credit and Advantages of our present Asiatic System are beyond the Power of Calculation, since it must be productive of innumerable happy Consequences to our Commerce and Strength in Asia and Europe. By the Confusion, Disorder and Rapine which ambition and mismanagement, *without a Check* would have occasioned, the Company would, by the adoption of

Mr.

Mr. Fox's Bill have been Bankrupts, and after such a Sacrifice, the Proprietors would have found their Security like "the baseless Fabric of a Vision." How wonderful then was the Interposition of Providence ! My Lords, the Company and the Nation do not seem to have a due sense of it : They do not seem to know how much they owe to your Lordships for the rejection of the Bill of 1783, which has prevented the greatest Calamities ; and to Mr. Pitt for that of 1784 which has secured the greatest Blessings : Blessings which have Immensity for their Space and will, I humbly hope, have Eternity for their duration.

An honorable Gentleman, bred to the Law, has written well upon the Effects of Mr. Fox's Bill on the constitution, justly describing its fatal Tendency to be subversive of every thing dear to a free People. But the Writer, although a Legislator of a great trading State, has said nothing of its commercial and political Effects, without which the Blessings of Liberty would be useless: For what is LIBERTY without PROPERTY? It is the Shadow without the Substance. Perhaps the dreadful Calamity of Bankruptcy and the Ruin of Public Credit were too much for the Feelings of a Gentleman of the learned Profession!

Among

Among other Ideas, equally curious, this Gentleman of the Law contends that only a *negative* Power was given and should be granted to the Board of Controul. And a noble Marquis of great political Experience, who is more admired for his Talents, than the consistency of his Principles, seems to be of the same Opinion, although it is a jesuitical distinction that I believe none but themselves can understand. It is the dark Doctrine of Ambiguity unlike the Perspicuity of all Mr. Pitt's Measures.

A *negative* Power, recommended by Mr. Pultney, and noticed by Lord Lansdown, is an absurd, delusive and impolitic

impolitic Power, destructive of the great Objects of an *active* Nation. It is a Power to check and to controul *out* with the Power of direction and exertion. It is a Power of prevention without the *active* Authority, which the present Case requires, for the most early and animated Exertions. It is a Power to prevent Rashness and Folly without the necessary Authority, to take the Measures which Virtue inspires and the Active Exertions which Wisdom animates. A *negative* Power, in a Case that requires positive and active Authority, is a Power to prevent Mischief without an Ability to do Good. It is, therefore, of all Powers the most absurd, and the most repugnant to the

Policy

Policy both of Commerce and Government, which require (especially in regard to *remote Possessions*) the most positive and active Powers, totally emancipated from the Fetters of impolitic Restraint, and the *indirect Exertions* of executive Government; whose Authority, in all Cases, should be direct, *positive* and unrestrained, except by the Constitutional Controul of the Legislature, which great RESPONSIBILITY is the only necessary Check of the Executive Power, to preserve our Liberties and to secure our Property, and that is a Check to which Mr. Pitt and Mr. Dundas will ever chearfully submit their Measures, confident of the rectitude and utility of their Principles,

and

and of the Candor and Liberality of  
an enlightened and spirited Nation,  
who are always Just and Liberal to  
their true Friends.

My Lords, the Company by the Bill  
of 1783 would have been annihilated,  
and the Proprietors ruined. By that of  
1784 they are preserved, and the Pro-  
prietors secured. The Day of reckoning  
approaches, and the Evils the Nation  
dreaded, and which alarmed the Com-  
pany, will be seen in their true light,  
and the Blessings of Mr. Pitt's Measures  
realized. Whatever may be the SUR-  
PLUS of the Revenues for the Capital  
Stock of the Company, it will be so  
much saved from the rapacious Hands of

Plunderers, for which the Proprietors may thank Mr. Pitt, who, with the patriotic Spirit of his Father, with the Vigor of Youth, and with the Advice of his Friend Horace (who says it was Courage that raised Hercules to the Gods and Augustus to the Head of the Roman Republic) has saved it from the Devastation of Despotism which would have made a terrible Havoc in the Property of the Company, the Prerogative of the Crown, and the Liberties of the People.

In that Day of Judgment (an awful Day to the Proprietors !) the Property of the Company and their future Existence will depend on the Justice and Liberality of the Legislature, whose Inter-  
position,

position, through the Executive Power of the Nation, will be necessary to prevent the Horrors of Confusion and the Calamity of Insolvency ; Events which Precipitancy and Disorder would occasion, and which can only, in my Apprehension, be prevented by the *timely* Renewal of their Charter under the fostering Protection of Government. This sound Policy will give Time to bring their Concerns into the Compass which Prudence requires in their *new* Situation (despoiled of all their territorial Possessions and Revenue) to realize their Property, and to establish their commercial Existence upon a natural and solid Foundation.

It will, undoubtedly, be concluded from what I have suggested that the

Company *were* in a State of Insolvency.

My Lords, I have long thought so :

And that Opinion was stated in 1783,  
which I believe was not thought a ran-  
dom one at that period whatever may,  
at present, be their prosperous Situation  
from the wonderful Effects of the Com-  
mutation Act \* at home ; and from wise  
Retrenchments abroad, to the Amount  
of One Million and a Half per Annum  
since the Establishment of the Board of  
Controul in 1784.

This precarious Situation of the  
United Merchants must have filled the  
Minds of the Proprietors with terrible

\* " The happy Consequences have been far more  
" important, extensive and beneficial than the  
" most Sanguine Friends and Admirers of that  
" Measure could have expected." *Mr. BARING.*

Apprehensions

Apprehensions for their Property, as the Security of their Capital Stock was visionary when Mr. Pitt took the Reins of Government. It was then manifest to that honest Minister, that the Company had long been hanging out *false Colors*, which, but for the *providential* Interposition of the Legislature, might have been as fatal as the South Sea Bubble. This Picture was not drawn by the Hand of Malice or Injustice, but directed by the Pencil of Truth, of private Virtue and public Security. It was indeed alarming, with a Prospect truly terrible, but that was not the Fault of the Artist who, like an honest Man, drew from Truth, a Company formidable in Name, with a *visionary* Security : For

when

when the Delusion ceased that arose from exaggerated Items of Credit, the Proprietors would have found themselves on the Brink of a Precipice, and in pretty near the woeful Situation in which I had placed the Circumstances of the Company in 1783, had it not been for the public Spirit of Mr. Pitt.

If that was not a true State of the Company's Circumstances, it was the most *natural* and the most to be depended upon of the two Calculations. And if that dreadful Situation is compared to the present flourishing Circumstances of the United Merchants trading to the East Indies, it will appear how great the Services are, that have been rendered by Mr. Pitt's Bill of 1784, which, in

so short a time, has raised the Company from a state of Confusion and Despondency, to a State of perfect Security, Tranquility, and Prosperity, with the strictest Regard to the Constitution; and with Principles more scrupulous perhaps than a case of such Necessity and Importance requires: For I am inclined to think that the Interest of the Company and the Welfare of the Nation both require that a Power of Superintendance should embrace *commercial* as well as political Objects; with this Distinction, that, in the one case, there should be lodged a Power of Controul and Direction; in the other only a Power of Superintendance with a *negative* Authority, to prevent the Extension and perversion

perversion of their Affairs, so necessary to Contraction and Liquidation, for the Proprietors sake; and so essential to the Security of PUBLIC CREDIT, which is the greatest Object of a trading Nation.

For if there remains an Authority either in the Directors or Proprietors to extend or pervert, how will it be in the Power of human Wisdom to liquidate the widely extended and perplexed Affairs of the Company, and to secure the greatest of all commercial Objects ? The Authority of the Directors in Matters of commerce should certainly remain in *statu quo*, but subject to the superintending Power of the Commissioners of the Board of Controul, without which a Superintendency would be nugatory,

and

and inefficient, and consequently unproductive of that Security and Prosperity which the Company and the Nation require, in a Case of so much consequence to both. To suppose the Commissioners of Superintendance are not to have an *Eye* to the commercial Conduct of the Directors, in a case that affects the greatest Interest of the Nation, is supposing they would neglect a most essential part of their Duty, contrary to the Virtue of Ministers, and to the Wisdom of the Legislature.

Does not a Company of Merchants who require the greatest Assistance \*

2 D render

\* As the Company are not possessed of sufficient FUNDS to enable them to continue and secure the great advantages which have been derived

render a *Commercial* Controul as necessary as a military one ? And does it not shew that a Situation so precarious, with no other Security than the *growing* Prosperity of Merchants, requires the honest Hands and the spirited Exertions of Mr. Pitt to assist them, to secure that Assistance, and to promote the great Purposes intended by it ?

My Lords, the constitutional Dissolution of the Company's Charter, and the necessary Devolution of their Possessions and territorial Revenues, will place the  
fears .

rived from that Act, an *additional* Capital will be necessary to enable the East India Company to conduct their *Commercial* Concerns, amounting to the enormous Sum of £3,247,000 ; the greater part of which will be found in the *growing* Prosperity of the Company."      Mr. BARING.

fears of Insolvency in a stronger light, as their Situation will then be less *productive* and more *precarious*, and consequently they will stand more in need of the protection of Government under a patriotic Administration. I consider the Company as a Society who, placing too much confidence in their military Acquisitions, have quitted the Substance for the Shadow and exceeded greatly the Bounds and Interest of a commercial Establishment; and that the Immensity of their Pursuits is far from establishing the Utility of their extensive Engagements.

Should a wise Government, attentive to the Security of every national Advantage,

tage,

tage, find it the true Interest of the Nation to grant a Charter in 1791, to *a new Set of Adventurers*, as was done, with the happiest Effect, at the close of the last Century, what would be the Confusion of the present Company, and the Astonishment of the Proprietors at the winding up their Accounts, the Liquidation of which will, in that case, require an *Age* to realize their Property ! But an Administration of great Abilities and Virtue, to prevent such a Calamity and the Shock it would occasion, will no doubt, act from the most generous Motives, giving the old Company the preference, if it can be done consistent with the Interest of the Nation, to whom the Advantages of that Event belong,

belong, just as the Benefit does to a Landlord at the Renewal of a desireable Lease. In the mean time the happy Effects of the well judged and well timed Support of Mr. Pitt's Administration are so great that I cannot too often say that the Company and the Nation do not seem to know how much they are indebted to that patriotic Minister for the Mischief he has prevented, and for the good he has done, by the Virtue of his Principles and the Wisdom of his Meafures.

But these weighty Considerations, in which the Dignity and Interest of the Kingdom are so materially interested, croud perhaps improperly here upon  
the

the Mind of a Man zealous for Truth and the publick Welfare : I shall therefore leave them, and return to the Object of this Pamphlet, which is, to shew the amazing Difference between the Two East India Bills of Mr. Fox and Mr. Pitt. The former is as dark as the blackest Night with all the Horrors of national Calamity, The latter is as open, fair, and light as the clearest Day, and as bright as the Sun in its Meridian. The Two Bills are, therefore, as opposite as the Poles, in Principle and in Tendency. The Bill of Mr. Fox may be compared to the Inundation of great Rivers, that wash away the Farmer's Toil, and sterilize the Land. The Bill of Mr. Pitt is like the Overflowing of

the

the Nile, that enriches and fertilizes the Land. It is founded in the purest Principle of Patriotism, and defended with the unparalleled Eloquence of the Minister who, to the sweetness and profusion of Tully joins the Nerves attic Salt and rapid Eloquence of Demosthenes.

A noble Earl, unfriendly to Ministers, went briskly into a Comparison of the two India Bills and, with an air of Triumph, declared that “ the Bill of “ 1783 was a strong, manly and open “ Measure, that truly depicted the “ Character, the Understanding and “ Heart of it’s Author; while that of “ 1784, proved that the Right Honorable Gentleman at the head of Admini-

“ nistration,

"nistration, had a very different Sort of  
 "Understanding and Heart" But,  
 unluckily for the noble Earl's sagacity  
 and for the reputation of his Friend this,  
 which was intended as the finest Com-  
 pliment to Mr. Fox and as the greatest  
 Reproach to Mr. Pitt, is absolutely the  
 strongest possible Satire on the former,  
 and the finest Panegyric on the Head  
 and Heart of the latter.

The strong, open and uncommonly bold measure of the Ex-Minister too truly depicted the Character and Heart of it's adventurous Author; and shewed to our astonishment and terror, what Measures were to be pursued and what Consequences were to be dreaded from a Mind

a Mind so bold, and a Heart capable of planning a System of Government, creating a *fourth Estate* to absorb the other three of the Constitution and to place himself on the Throne of Despotism, PERPETUAL DICTATOR.

With "a different sort of Understanding and Heart," with Virtue that exalts human Nature, and with Wisdom that does honor to the Age and State in which he lives, Mr. Pitt has opposed himself, with Success, to the horrid Principles of this daring Invader of the Company and Violater of the glorious Constitution of our Country; and has not only prevented the much dreaded Calamity of Mr. Fox's

Bill, but has happily established the great Blessings of his own.

But the finest Discrimination, to shew the Violence of Party in favor of the Bill of 1783 and the Caprice and Folly of the Company concerning that of 1784, is that of a noble Peer, who in his Place, with great Spirit and Truth, said-----“ When the Act of “ which this Bill is declaratory passed “ I conceived it to be the very *Child of* “ the East India Company; that, upon “ the rejection of another Bill which “ had sought not only subversion to their “ Existence but actual Ruin and De- “ struction to the Constitution of the “ Country, I conceived the Act of 1784 was “ taken

" taken and considered, by the Company  
 " as well as by the Nation, to be the  
 " grand Restorative of both."

The noble Lord observes truly that Mr. Fox's Bill went to ruin both the Company and this Country ; and that Pitt's Bill, like the Hand of Providence, has happily restored and secured both.

If the Company so strongly and justly condemned the one, and so cordially received and admired the other, how great is their Inconsistency and Absurdity, or rather how great their Caprice and Folly violently to oppose an Exposition that declares the true Meaning of their favorite Act, after four Years experience of its happy

happy Effects to the Company at home and in India ! Such a Conduct is certainly the most unreasonable and indeed the most extravagant that ever was known. It discovers a Spirit of Party more than of Zeal ; and it would be truly unfortunate to the Proprietors to see their Court of Directors divided by Party Disputes, where Unanimity and Confidence should ever prevail, did not the excellent Heart and the vigorous Mind of Mr. Pitt, prevent, by well timed and well adapted Measures, the Fatality of such an impolitic Disunion.

The Restoration of the Company at home and the Security of the Capital Stock of the Proprietors in India, are the

the happy Effects of his sagacity and unparalleled Activity : For it is a Truth that is not perhaps sufficiently attended to, that the Commutation Act at home, so justly described by Mr. Baring, a worthy and able Director, (now unfortunately in Opposition to his own Evidence) has saved the Company from Bankruptcy and given to an expiring Society, vigor beyond any former Period of their Existence ; and that the wise and spirited Conduct of the Board of Controul abroad has as happily secured their Interest in the territorial Revenues, the SURPLUS of which is the Capital Stock of the Company.

That

That Capital of the United Merchants can only be realised, at the approaching Dissolution of their Charter, in proportion to the happy Effects of the fostering hand of Government, through the Board of Controul, whose able and spirited conduct will *realise* what the Mismanagement of their own impolitic Measures would have rendered *imaginary* and as visionary, at the Expiration of their Charter three Years hence, as the iniquitous South Sea Bubble. The happy Prevention of Government will save all that can, by good Management, be saved of their Property (which without such powerful Interposition and Patronage, would have been wrecked) to prevent

prevent INSOLVENCY, and the Shock it would give to our Funds and to public Credit. These are great Objects, fit for the Wisdom and Virtue of a powerful Nation, that do more credit to Mr. Pitt's Administration and more Service to the Nation than all the delusive Professions of an ambitious and designing Party.

The greatest Proof of the exalted Patriotism and Integrity of Mr. Pitt, is to be found in first (as the Guardian of a great *Commercial State*) firmly re-establishing the tottering Company by the Commutation Act; and his, at the same time, scrupulous regard to the territorial Possessions of the Company to render them *productive*: Since, as the Right Honorable

nor able Gentleman has truly stated, the Commercial Capital of the East India Company is the SURPLUS of the territorial Revenues.

How much then do they require the Protection of Ministers ! And how much are the Proprietors obliged to Administration, at a Period so near to the termination of their Charter, for the Wisdom of their Measures, from which a Benefit of ONE MILLION and A HALF per Annum, has arisen by the judicious and unparalleled Conduct of the Board of Direction and Controul ; and from whose indefatigable perseverance to serve their Country and to save the Company only they can expect to realize

realize their Capital at the End of their  
expiring Charter.

This is really a Consideration of such infinite Consequence, that the Proprietors, alarmed for their Capital Stock, which has clearly been in bad hands, should, at a general Court, solemnly desire Mr. Pitt to promote the SURPLUS by his salutary Measures, as their only Security against Delusion and its long Train of fatal Consequences to the Proprietors. Instead of ridiculously contending for the Preservation of Chartered Rights, which are on the very point of expiring, and are therefore the *Shadow* of the Company, they should attend to the true State of their Re-

venues which are the *Substance*, without which their Stock would be visionary and like “ the baseless Fabric of a “ Vision.”

Hence it is as clear as any mathematical Demonstration that Mr. Pitt has been the Savior of the Company at Home and abroad. The good Management of the Revenues does more honor to the Virtue and Wisdom of his Administration and to the Principles and Talents of Mr. DUNDAS, at the Board of Controul, than the finest Panegyric of their Friends, and tends more forcibly than the Eloquence of Demosthenes to refute the Malice, and to expose the Folly of their Enemies, who

are

are Enemies equally to their Country  
and to the Company.

Having my Lords, shewn the dreadfull Calamity of the Bill of 1783, which, like a *terrible Precipice*, we have fortunately avoided ; and the happy tendency of the Bill of 1784, which the Legislature has, in its Wisdom, approved as a Source of National Blessings, equally conducive to the great Commercial and Political Purposes of his Majesty's Dominions ; I cannot do more Justice to the Cause of Truth, to public Virtue and to the distinguished Merit of Mr. PITT's Administration than to say to my Countrymen in the Language of Scripture " Let us cast off the Works

of

“of Darkness” which overwhelm’d Mr. FOX’s Bill; “and let us put on “the Armour of Light” in that of Mr. PITTE, which shines with the Splendor of Truth and Virtue; producing, like the glorious Effects of the Sun, Wealth, Strength and Security to our Country, and, consequently, Dignity and Happiness to as amiable a Monarch as ever filled and adorned the Throne of the British Empire.

The present year, which is the Centuri-al one of the glorious REVOLUTION, of 1688, will strike Futurity as a wonderful Instance of human Talents and public Virtue in a young Minister who, at his early Period of Life, is, beyond

yond a Doubt, the greatest Minister of  
the Age. Born a Statesman and inher-  
iting the public Virtue and powerful  
Animation of his illustrious Father, his  
Talents, his Virtues, his Exertions will  
extend far, and his Fame will eclipse  
the Reputation of the immortal  
**CHATHAM.**

22d March 1788.

## OBSERVATIONS



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## OBSERVATIONS

ON

Mr. SHERIDAN's Pamphlet.

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SINCE the Second Edition of this Pamphlet was sent to the Press, Mr. Sheridan, perhaps roused by the First, and alarmed for the *expiring* Reputation of Mr. Fox, has published a pompuous COMPARATIVE STATEMENT of the Two India Bills of 1783 and 1784, in which he has shewn that glaring Partiality and total Disregard to Truth, to the Merit

of

of the Executive Power, and to the true Interest of the Nation, as might naturally be expected from the principal Advocate of a Party, writing in the Defence of his political Creator, to whom he owes his public Existence, and by whose Means he wishes to return to the political *Cælum*; from which Mr. Fox, like the fallen Angel, has been driven through his boundless Ambition and arbitrary Principles, which are as destructive to the State as those of Lucifer are to the Church.

It will perhaps be expected that I should be the *first* to notice a Production upon the very Subject of my own, written by the principal Partisan of

Mr.

Mr. Fox, professedly in his favor, and consequently not founded on that noble Candor with which a love of Truth, and a regard to Justice inspires a Writer, who, being totally unconnected with Party, and uninfluenced by Party Views, writes from no other Motive than the Public Good:

Mr. Sheridan's Production seems to be the last Effort of an *expiring* Party, whose Disappointment is as great as their Ambition was alarming. It is quite out of Time, coming after the full Consideration and merited Condemnation of the Subject he states and *attempts* to defend. It may therefore be asked, at such a Period, in the Lan-

guage of a political Divine, *Cui Bono?*  
 A vigorous Defence after a total Defeat,  
 and an humiliating Surrender, is an  
 Undertaking as absurd as it must prove  
 nugatory and disgraceful. The Idea of  
 such an Attempt is as ludicrous as any  
 thing in the Works of *Cervantes*.

Mr. Sheridan's curious "STATE-  
 "MENT" is an artful Appeal to the  
 Passions of Party, instead of a candid  
 and solemn Appeal to the Understanding  
 and Virtue of an enlightened and  
 generous Nation, who are grossly insulted  
 by such a partial Production, to serve  
 the ambitious Purposes of a disappointed  
 Party. This wretched Attempt, at a  
 Comparison between the Measures and  
 the

the Characters of Mr. Pitt and Mr. Fox, as Statesmen, should be styled a MIS-STATEMENT with false Conclusions: Since it is a jesuitical Production containing delusive Reasoning upon false Premises.

Mr. Sheridan says "with regard to  
 " Mr. Fox's Bill I do venture peremptorily to assert that there never was  
 " a Legislative Measure so little examined, so generally misunderstood,  
 " and so confidently misrepresented."

Notwithstanding this Testimony from the *Harlequin Pen* of a Stage-Writer, I do venture to say that there never was a Measure so well examined, so generally

generally understood, so faithfully represented, and so justly condemned. This I shall take an Opportunity to prove from the Evidence of Mr. Sheridan himself. But first I must bear Testimony to the Truth of one Observation of the Honorable Gentleman who is pleased to say "there is "no resemblance whatever between the "Two India Bills of Mr. Fox and Mr. Pitt in any Circumstance." The Remark is a just one; for there is certainly no resemblance either in Principle or Tendency, and God forbid there should be any! There is no more resemblance between the Two Measures than there is between the Principles

ciples and Designs of the Two Ministers  
who brought them into Parliament,  
whose Talents and Characters are as  
different as Light and Darknes.

But why does Mr. Sheridan make  
this Confession ? Is it a Cause of Tri-  
umph in Mr. Fox's Party, or of the  
most mortifying Humiliation, that his  
Bill does not, in the least, resemble  
that of Mr. Pitt ? Has not the Minister  
the most reason to triumph in the  
Truth of this Declaration ? Nothing  
surely can be more to the Honor of  
Mr. Pitt's Head and Heart than that  
the Principle and Tendency of his East  
India Bill do not, in the least resemble  
the

the despotic Measure of Mr. Fox's Bill: A Bill of Calamity and Horror that, had for its first Object a SEIZURE, in the most arbitrary and wanton manner, of ALL the Privileges and ALL the vast Property of the East India Company, both Territorial and Commercial, which would have been a Commission of Bankruptcy against the United Merchants trading to the East Indies, and a Commission of Lunacy against the Nation. The Legislature would have been *Felo de Se* in the Adoption of Mr. Fox's Bill; and the ambitious Author, seated on his high Throne of Despotism, would have signed the *Death Warrant* of our glorious Constitution.

Mr.

" Mr. Sheridan says, with an air of  
 " triumph, that no Person who has sup-  
 " ported Mr. Fox's Bill can give his coun-  
 " tenance to Mr. Pitt's, with the small-  
 " est degree of *consistency*." I maintain  
 a contrary Opinion, and shall easily and  
 clearly prove it. Whoever supported  
 Mr. Fox's Bill from *Principle* (uninflu-  
 enced by Party Motives) must, to be  
 " consistent," countenance that of Mr.  
 Pitt, for the greatest of all Reasons  
 viz. because it is evidently calculated to  
 produce all the good without any of the  
 bad Consequences of the Bill of 1783.

Mr. Sheridan may write well for the  
 Stage, but this ill-timed and ill-founded

Production

Production shews that he is a shallow Politician. Indeed he has discovered so little Skill, that I venture to say he is, in the present Instance, the greatest *Marplot*, by bringing the strongest possible Evidence against his own Cause, to compleat the Triumph of Administration : For, by this impolitic Publication, he has given the finest Opportunity that could possibly be given to the Friends of Mr. Pitt to beat him with his own Weapons; and to triumph in a Victory so compleat, as shall for ever, in the Language of the Stage, *damn* the India Bill of 1783, and fix eternal Reproach and Disgrace on it's Author, who boldly attempted, with more than Sovereign Authority, to seize on all the Property of the East

India Company, and to plunge a Dagger  
in the Bowels of our excellent Con-  
stitution.

But perhaps it may be said, that this  
Eternity of Disgrace is a Conclusion  
without an Argument. If what I have  
said is not a sufficient Demonstration of  
the deserved Fate of the Bill and its  
Author, I will bring one from Mr.  
Sheridan's " Statement, Letter D."

" Mr. Fox's Bill did not pretend to  
" be founded, in any respect, upon the  
" Consent of the Company, nor to pro-  
" duce a System of Reform agreeable  
" to, or concerted with, those whose  
" Abuse of Power it professed to  
" Remedy."

" Mr. Pitt's Bill was avowedly com-  
 " municated to the Directors of the  
 " Company and to the Proprietors; it's  
 " several Provisions discussed by them,  
 " and many material Alterations were  
 " made in the Plan after it had been  
 " brought into Parliament, declaredly  
 " for the Purpose of according to  
 " the Suggestions, and granting the  
 " Explanations required by the Com-  
 " pany."

Does not this Evidence of Mr. Sheri-  
 dan shew that there is not the least  
 Resemblance in the Principle and Ten-  
 dency of the Two India Bills of 1783  
 and 1784, and that no two Ministers can  
 be more unlike, in Disposition and Views,  
 than

than Mr. Fox and Mr. Pitt? Can there be a clearer Demonstration than is here exhibited that they can never coalesce, as their political Sentiments and ministerial Qualifications are as different as the Poles are opposite; the one possessing all the Mildness peculiar to a free Government; the other all the Violence of an arbitrary State?

What is here produced by Mr. Sheridan, in Evidence against Mr. Pitt does him the greatest Honor: It is the Minister's greatest Pride, his greatest Glory, and the greatest Security of our Liberties and Property.

Can any thing be milder, or more consistent with the much admired Principles

ciples of our excellent Constitution, than Mr. Pitt's *Communication* with the Company, whose Concerns it has been found necessary to controul for their Advantage, and for the Security of the Nation ? Whilst it is absolutely necessary, from public and the most salutary Motives, to break in upon the Charter of the Company ; can any thing be more compatible with our Ideas of Liberty and Property than a Communication with the Persons most affected by a strong Measure of Necessity, in order that the Means of Reformation may be as mild as our Constitution requires, and as the Nature of the Case will admit ?

This,

This, which is brought as a severe Reproach against Mr. Pitt, by a Party-Writer, and as a strong Instance of Weakness and Folly, is certainly the clearest Proof of Wisdom and Virtue; and is, therefore, the finest Compliment that could possibly be paid to the Head and Heart of the Minister: Since it shews, to a Demonstration, the great Mildness so much admired in a free Government, and the same constitutional and patriotic Principles that so eminently distinguished the illustrious Chatham; whilst it exhibits as fine a Contrast to the Violence and Despotism of Mr. Fox, as the Integrity of that great Statesman did to the Principles of "the Grand "Defaulter of Unaccounted Millions."

How

How different are the Principles, and how great is the Violence and Reproach of Mr. Fox ! Placed on his high Seat of Despotism, he aimed at seizing, like the Hand of Death, the vast Property of the Company, to make them Bankrupts, to convulse the Nation, and like "Nero who fiddled while Rome was "in Flames," he triumphed in his arbitrary and ruinous Conduct, not deigning, in the Greatness of his Power, to communicate with the SLAVES whose Property he seized, and whose Rights he totally destroyed.

Such was the daring Attempt of Mr. Fox ; such were his unconstitutional and

and despotic Principles; and the arbitrary Manner in which his execrated Bill would have treated the vast Property of a free People, and the glorious Constitution of a free State !

These short Observations (which shew the much admired Principles and the wise Measures of Mr. Pitt, and the Despotism, the Folly and Fatality of Mr. Fox's Designs on the East India Company and the Constitution) are sufficient, without further Refutation, to shew the Absurdity and Folly of Mr. Sheridan's jesuitical Distinction between the two India Bills of 1783, and 1784; and to prove that his Curious " COMPARATIVE STATEMENT" is the last

last Effort of an *expiring* Party, which is so ill timed and so repugnant to Truth to Justice and to public Virtue as to produce the strongest Evidence against his own Party, and a compleat Victory to Mr. Pitt's Administration; who triumph in a total defeat of a despotic Minister, whereby they have, as happily for the East India Company as for the Nation, protected the Property and the Rights of a free People, and secured the Liberties and Blessings of our glorious Constitution.

To conclude: Mr. Pitt's India Bill, which established the Board of Controul, is a natural and efficient Commission of Superintendance and Direction, guard-  
ing

ing alike the Interest of the Company and the Welfare of the Nation, on mild Principles, consistent with the Nature of Commerce and the Rights and Genius of a free People. That of Mr. Fox was unnatural, violent, arbitrary, contrary to the Rights, the Interest and Temper of a free Nation; inconsistent with Justice and sound Policy, subversive of our excellent Constitution, and a violation of every thing held dear and sacred to Britons. It was a many headed Monster, a *Monstrum horrendum* in a free State: The Offspring of Temerity, calculated to ruin the Nation and to disgrace as amiable a Sovereign as ever filled and adorned a

Throne, to gratify the insatiable Ambition and Avarice of the most arbitrary Minister this Country ever produced, and a clamorous **FACTION** of hungry Sycophants and Dependents.

My Lords, Having discharged my *Duty* by doing Justice to the popular Principles and patriotic Exertions of as upright and able an Administration as this Nation could ever boast of (that of Lord Chatham not excepted) I cannot, in Justice to the Nation, close a long Pamphlet, which I flatter myself will be read in Asia as well as Europe, without producing a strong Instance in support of my Doctrine, that “ no Royal Grants or Cessions from native Princes  
“ whatever,

“ whatever, can give the Company any  
 “ Right to territorial Property in India,  
 “ beyond the Term of their Charter.”

At that approaching Period I maintain,  
 that all the territorial Acquisitions that  
 came into the Possession of the East India  
 Company since 1697, devolve to the  
 Crown as the Right of the Nation,  
 without the Company having any local  
 Interest in them as *Private* Property ;  
 for as the United Merchants are as  
 Leaseholders to this Nation so their  
 territorial Interest totally ceases with  
 their Charter.

“ We entered (said the laid Lord  
 “ Clive) into an Alliance with Meer  
 “ Jaffier Ally Cawn, a General Officer  
 “ in

" in the Nabob's Service; concluded a  
 " Treaty with him; marched against  
 " the Nabob and entirely defeated him;  
 " and having *surrounded the Nabob in*  
 " *his Palace*, his Death soon followed,  
 " and Meer Jaffier was appointed in his  
 " Stead." By this alliance the Company  
 acquired a considerable DISTRICT.

---With what Sense of *Justice* can the  
 Company claim a Right to Territory  
 acquired upon these shocking Principles  
 of Treachery and Violence, which dis-  
 grace the Author and his Country!?

Beside this modern Authority against  
 the territorial Property of the Company  
 I have a greater One near one Hundred  
 Years old. It is evident that the Mi-  
 nistry

nistry and the Parliament in 1697, were quite of my opinion ; and therefore, notwithstanding the Acts of Elizabeth and James II, the MAJESTY of the Legislature, upon Principles strictly Constitutional, in the following Reign of William and Mary totally disregarded those Grants, and every Claim or Idea of private Right to territorial Property ; and *disposed* of them as National or public Property, to another Set of Merchants, notwithstanding the Clamor of the Old Company against the Proceedings of Government, which the United Merchants contended, as in the present Case, were extremely unjust. The Legislature, no doubt, considered the *Salus Populi* as the

*Suprema*

*Suprema Lex.* The general Interest, like the general Preservation, is the first and greatest Object of Government in all civilized States, to which the chartered Rights of Bodies and the natural Interest of Individuals must, as it is reasonable they should, yield ; for every Member of the Community, says Dr. Mead, should concede somewhat of his own to the general Welfare.

When the claims of the old Company were, upon these Principles, totally disregarded, and a Charter granted to a New Company, for a certain Term of Years, it was certainly understood that at the expiration of that Term, those Possessions and *all other territorial Acquisitions*

*Acquisitions* made in Consequence of their Charter, should devolve, as the former had done, to the Crown as the undoubted Right and Property of the Nation.

My Lords, this totally refutes every Thing said by the Company's Council, and by other Persons who seem to favor the Opinion of the United Merchants having a Right to territorial Property after the Expiration of their Charter in 1791.

## E R R A T A.

Page 62, Line 12, for *Usurer* read *Usurper*.

Page 193, Line 4, for *with* read *without*.

